service on the Crow Indian Reservation in Montana, requesting that collection of irrigation maintenance charges be deferred to a later date; to the Committee on Indian Affairs.

10165. By Mrs. McCORMICK of Illinois: Petition bearing the signatures of 40,000 citizens of Chicago, Ill., praying for the immediate payment in cash of the soldiers' bonus certificates; to the Committee on Ways and Means.

10166. By Mr. MANLOVE: Petition of Harry Brown, John L. Evans, and 49 other residents of Schell City, Mo., favoring the regulation of busses and trucks in the use of the highways; to the Committee on Interstate and Foreign Commerce.

10167. By Mr. REED of New York: Petition of Portville, N. Y., Woman's Christian Temperance Union, indorsing House bill 9986; to the Committee on Interstate and Foreign Commerce.

10168. By Mr. RICH: Petition of citizens of Williamsport, Pa., favoring House Joint Resolution 356, known as the Sparks-Capper alien bill; to the Committee on the Judiciary.

10169. By Mr. SELVIG: Petition of Ada (Minn.) Cooperative Creamery Association, supporting the Brigham bill, H. R. 15934, for the control of colored oleomargarine; to the Committee on Agriculture.

10170. Also, petition of Argyle (Minn.) Cooperative Creamery Association, urging enactment at this session of Congress of the Brigham bill, H. R. 15934; to the Committee on Agriculture.

10171. By Mr. SPARKS: Petition of 61 citizens of Beloit, Kans., urging the support of the Sparks-Capper stop alien amendment, being House Joint Resolution 356, to exclude aliens from the count of the population for apportionment of congressional districts; to the Committee on the Judiciary.

10172. Also, petition of the Woman's Christian Temperance Union, of Zurich, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10173. Also, petition of Kansas Yearly Meeting of Friends, representing 233 members, of Northbranch, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10174. Also, petition of the Woman's Christian Temperance Union, of Almena, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10175. By Mr. STRONG of Kansas: Petition of 71 citizens of Delphos, Kans., urging passage of the Sparks-Capper stop alien representation amendment; to the Committee on the Judiciary.

10176. By Mr. SUMMERS of Washington: Petition signed by Mrs. Roy Smith and 14 other citizens of Yakima, Wash., urging support of the Sparks-Capper stop alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10177. Also, petition of V. C. Sorensen and 17 other citizens of Lyle, Wash., urging support of the Sparks-Capper stop alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10178. By Mr. SWANSON: Petition of Mrs. Jean Titts-worth and others, of Avoca, Iowa, favoring an amendment to the Constitution whereby apportionment in the House of Representatives would be determined without regard to alien population; to the Committee on the Judiciary.

10179. By Mr. WOLFENDEN: Petition of J. M. Norris and others, of Chester, Pa., urging support of proposed Sparks-Capper stop alien representation amendment; to the Committee on the Judiciary.

10180. Also, petition of Charlotte E. Maxwell and 20 others, of Oxford, Pa., urging support of proposed Sparks-Capper stop alien representation amendment; to the Committee on the Judiciary.

SENATE

WEDNESDAY, FEBRUARY 25, 1931

(Legislative day of Tuesday, February 17, 1931)

The Senate met in executive session at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 3) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress, with an amendment, in which it requested the concurrence of the Senate.

The message returned to the Senate, in compliance with its request, the engrossed bill (H. R. 7639) to amend an act entitled "An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct," approved May 22, 1928.

CONSERVATION OF PUBLIC HEALTH

Mr. RANSDELL. Mr. President, when the Senate met yesterday I announced that I would seek recognition to address the Senate to-day on the subject of how to conserve public health, the most imperative duty confronting mankind. Inasmuch as we have an executive session to-day as the order of business, I now wish to announce that I shall ask recognition to-morrow for that purpose.

GEORGE WASHINGTON BICENTENNIAL COMMISSION (S. DOC. NO. 302)

As in legislative session,

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for expenses of the District of Columbia George Washington Bicentennial Commission, fiscal year 1931, to remain available until June 30, 1932, amounting to $100,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

INTERNATIONAL EXPOSITION OF COLONIAL AND OVERSEAS COUNTRIES, PARIS, FRANCE (S. DOC. NO. 303)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Department of State, fiscal year 1931, to remain available until expended, amounting to $50,000, for an additional amount for the expenses of participation by the United States in the International Exposition of Colonial and Overseas Countries, to be held at Paris, France, in 1931, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CLAIM OF H. W. BENNETT (S. DOC. NO. 304)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Department of State, fiscal year 1931, amounting to $400, for payment of an indemnity to the British Government on account of losses sustained by H. W. Bennett, a British subject, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CLAIM FOR DAMAGES TO PRIVATELY OWNED PROPERTY (S. DOC. NO. 301)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, an estimate of appropriation submitted by the Department of the Interior to pay a claim for damages to privately owned property in the sum of $49, which had been considered and adjusted under the provisions of law

and requiring an appropriation for its payment, which was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by Hope Council, No. 1, Sons and Daughters of Liberty, of Washington, D. C., favoring the passage of the so-called Johnson joint resolution providing stringent restriction of immigration, which was referred to the Committee on Immigration.

Mr. GILLETT presented resolutions adopted by the Round Table on International Relations of the Middlesex (Mass.) Women's Club, favoring the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. TYDINGS presented petitions of members of the Women's Guild of the Memorial Methodist Episcopal Church and sundry citizens of Baltimore and vicinity, in the State of Maryland, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also presented petitions and papers in the nature of petitions from numerous organizations and citizens in the State of Maryland, praying for the passage of legislation for the stringent restriction of immigration, which were referred to the Committee on Immigration.

He also presented petitions of several Polish organizations in the city of Baltimore, Md., praying for the passage of legislation appropriating $5,000 for a marker in memory of Gen. Casimir Pulaski, which were referred to the Committee on the Library.

IMPORTATION OF PULP AND PULP PAPER

Mr. JONES. Mr. President, as in legislative session, I ask that the telegram which I send to the desk may be read and referred to the Committee on Finance.

There being no objection, the telegram was referred to the Committee on Finance, and it was read, as follows:

PORT ANGELES, WASH., *February 25, 1931.*

Senator W. L. JONES,
Washington, D. C.:

Just received advice that the Kendall bill has passed the House of Representatives with clause No. 2 eliminated, which brings under the provision of the bill goods available from foreign countries from which they may be lawfully imported. With this clause eliminated the bill permits the importation of pulp and paper from Soviet Russia. This will be ruinous to the most important and thriving industry in the Northwest. Without this clause reinstated the pulp and paper industry is better safeguarded without the passage of such bill at all.

THOS. T. ALDWELL,
President Port of Port Angeles.

IMPORTATION OF FOREIGN OIL

As in legislative session,

Mr. CAPPER. Mr. President, I send to the desk and ask to have read a telegram from the Farmers' Union of Kansas in opposition to the importation of oil.

There being no objection, the telegram ordered to lie on the table and was read, as follows:

WINFIELD, KANS., *February 24, 1931.*

Senator ARTHUR CAPPER:

At a regular meeting the Bethel Farmers' Union resolved that it was the sense of the meeting that our Representatives and Senators at Washington be requested to support the Capper-Garber resolution for embargo against the importation of foreign oil, as its prompt passage is important and a delay would be disastrous to this community.

F. M. GILTNER.
FRANK YOULE.
W. LOGAN.

REPORTS OF COMMITTEES

As in legislative session,

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 7) to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended, reported it without amendment and submitted a report (No. 1775) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2350) providing for the improvement and extension of the game breeding and refuge areas in the Wichita National Forest and Game Preserve in the State of Oklahoma and authorizing appropriations therefor, reported with an amendment and submitted a report (No. 1759) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (S. 4908) for the relief of certain officers of the Dental Corps of the United States Navy, reported it without amendment and submitted a report (No. 1760) thereon.

Mr. TYDINGS, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 5779. An act for the relief of Capt. Jacob M. Pearce, United States Marine Corps (Rept. No. 1761); and

H. R. 1449. An act for the relief of Paymaster Charles Robert O'Leary, United States Navy (Rept. No. 1762).

Mr. DAVIS, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 752. An act for the relief of Wesley B. Johnson (Rept. No. 1763); and

H. R. 816. An act for the relief of Lieut. Commander Cornelius Dugan (retired) (Rept. No. 1764).

Mr. BROUSSARD, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3032. An act for the relief of Commander Francis James Cleary, United States Navy (Rept. No. 1766); and

H. R. 14680. An act to authorize the attendance of the Marine Band at the Spanish-American War veterans' convention at New Orleans (Rept. No. 1767).

Mr. METCALF, from the Committee on Naval Affairs, to which was referred the bill (S. 6218) granting permission to Harold I. June to transfer to the Fleet Reserve of the United States Navy, reported it without amendment and submitted a report (No. 1776) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 5867) to amend chapter 15 of the Code of Law for the District of Columbia, reported it without amendment and submitted a report (No. 1765) thereon.

Mr. HOWELL, from the Committee on Claims, to which were referred the following bills, reported each without amendment and submitted reports thereon:

H. R. 305. An act for the relief of Northern Trust Co., the trustee in bankruptcy of the Northwest Farmers Co-operative Dairy & Produce Co., a corporation, bankrupt (Rept. No. 1771); and

H. R. 7555. An act for the relief of Andrew Markhus (Rept. No. 1772).

Mr. BROOKHART, from the Committee on Claims, to which was recommitted the joint resolution (H. J. Res. 303) to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms, reported it with amendments and submitted a report (No. 1768) thereon.

Mr. GLENN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3230. An act conferring jurisdiction upon the Court of Claims of the United States to hear, adjudicate, and render judgment on the claim of Hazel L. Fauber, as administratrix, C. T. A., under the last will and testament of William Harrison Fauber, deceased, against the United States, for the use or manufacture of inventions of William Harrison Fauber, deceased (Rept. No. 1770);

H. R. 1891. An act for the relief of Vincent Baranasies (Rept. No. 1769); and

H. R. 9245. An act for the relief of Davis, Howe & Co. (Rept. No. 1778).

Mr. CONNALLY, from the Committee on Finance, to which was referred the bill (S. 3924) for the relief of the First State Bank & Trust Co., of Mission, Tex., reported it without amendment and submitted a report (No. 1773) thereon.

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the bill (S. 6173) authorizing an ap-

propriation to defray the expenses of participation by the United States Government in the Second Polar Year Program, August 1, 1932, to August 31, 1933, reported it without amendment and submitted a report (No. 1774) thereon.

Mr. SHIPSTEAD, from the Committee on Printing, to which was referred the concurrent resolution (S. Con. Res. 39) providing for the printing of a manuscript entitled "Washington, the National Capital," reported it with amendments and submitted a report (No. 1777) thereon.

Mr. McKELLAR (for Mr. FESS), from the Committee on the Library, to which was referred the bill (S. 5546) to amend section 2 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes," reported it without amendment and submitted a report (No. 1779) thereon.

BILLS INTRODUCED

As in legislative session,

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 6240) to prohibit the broadcasting of lotteries by radio; to the Committee on Interstate Commerce.

A bill (S. 6241) to provide for preliminary examination and survey to be made of Tillamook Bay and Entrance; and

A bill (S. 6242) for the improvement for fishing purposes of Siltcoos and Takenitch Lakes in the State of Oregon; to the Committee on Commerce.

By Mr. WAGNER:

A bill (S. 6243) for the relief of Zinsser & Co.; to the Committee on Military Affairs.

By Mr. HASTINGS:

A bill (S. 6244) exempting building and loan associations from being adjudged involuntary bankrupts; to the Committee on the Judiciary.

By Mr. SHEPPARD:

A bill (S. 6245) to amend section 29, Title II of the national prohibition act; to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 6246) providing for an appropriation toward the alteration and repair of the buildings of Eastern Dispensary and Casualty Hospital; to the Committee on the District of Columbia.

By Mr. NORBECK:

A bill (S. 6247) granting a pension to Emma Crow Dog Stewart (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 6248) for the relief of Lieut. Col. Harry Walter Stephenson, United States Army, retired; to the Committee on Military Affairs.

AMENDMENTS TO SECOND DEFICIENCY APPROPRIATION BILL

As in legislative session,

Mr. HEFLIN. Mr. President, I have been requested by citizens interested to offer an amendment to the second deficiency appropriation bill. I ask to have it printed and lie on the table.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

The amendment intended to be proposed by Mr. HEFLIN to House bill 17163, the second deficiency appropriation bill, is as follows:

Hereafter the law for apportionment of positions in the Federal service at Washington among the States and the District of Columbia on the basis of population shall be enforced by all branches of the Government, the executive departments, commissions, boards, agencies, and Library of Congress as to appointments, promotions, and reductions, and employees shall be classified according to their civil-service status; and the Civil Service Commission shall include in its annual report to Congress each year a list of employees in both the apportioned and unapportioned service, segregated by States, showing where they work and salary they receive; the Civil Service Commission shall also include in its annual report to Congress each year a list of new appointees and those who retire or are dropped, showing their residence and salaries. An officer or clerk who violates this act shall be removed from office.

Ex-service men and women and permanent civil-service employees, residents of States whose quotas are in arrears, who have been discharged because of reductions of force, shall be restored to duty as of date they were discharged, as much unemployment exists in all the States, and necessary reductions shall be made of residents of the District of Columbia, Virginia, and Maryland, or States whose appointments have been exceeded. Applications for restoration to duty shall be made within six months after passage of this law.

Mr. PHIPPS submitted an amendment intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 41, line 6, to strike out the period and insert a colon and the following: *"Provided, however,* That nothing done in pursuance hereof or under the authority hereof shall be construed to initiate any water right or water priority or right to any appropriation of water whatever."

Mr. ASHURST and Mr. HAYDEN submitted an amendment proposing to appropriate $53,000 to carry out the provisions of the act entitled "An act to authorize appropriations for construction at Tucson Field, Tucson, Ariz., and for other purposes," approved February —, 1931," fiscal years 1931 and 1932, intended to be proposed by them to House bill 17163, the second deficiency appropriation bill, which was ordered to lie on the table and be printed.

Mr. BARKLEY submitted an amendment proposing to appropriate $100,000 for the erection of a suitable monument to the memory of the first permanent settlement of the West, at Harrodsburg, Ky., etc., intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was ordered to lie on the table and be printed.

Mr. NORRIS submitted an amendment intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was ordered to lie on the table and be printed, as follows:

Under the title "Department of the Interior," insert at the bottom of page 45 the following:

"BUREAU OF RECLAMATION

"North Platte project, Nebraska-Wyoming: For the purpose of enabling the Secretary of the Interior to construct rural trunk transmission lines, including necessary transformers, into farm settlements, communities, and municipalities within the North Platte irrigation project, the inhabitants of which are able to finance feeder or distribution systems and to guarantee to the power system a fair measure of profit, not to exceed $30,000 shall be available from the power revenues of the Lingle and Guernsey power plants, North Platte irrigation project."

Mr. REED, on behalf of the Committee on Finance, submitted an amendment intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 12, after line 7, to insert:

"The salary of the Director or of the Acting Director, United States Veterans' Bureau, is hereby fixed at the sum of $12,000 per annum, effective as of July 23, 1930, for any period or periods during which said director or acting director functions or has functioned as such."

Mr. SMOOT submitted an amendment intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 12, after line 7, to insert:

"For carrying into effect the provisions of section 3 of the act entitled "An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes," approved ————, 1931, $20,877,000, fiscal year 1931, to remain available until expended."

Mr. TYDINGS submitted an amendment proposing to appropriate $10,000 to enable the Committee on Printing of the Senate to have printed and bound the documentary evidence, statistics, and other data submitted to the Senate by the National Commission on Law Observance and Enforce-

ment in response to the request of the Senate, etc., intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was ordered to lie on the table and be printed.

Mr. WAGNER submitted an amendment intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was ordered to lie on the table and be printed, as follows:

On page 136, after line 16, to insert:

"Plattsburg Barracks, Plattsburg, N. Y.: To carry out the provisions of the act entitled 'An act to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes' approved February —, 1931, fiscal years 1931 and 1932, $150,000."

He also submitted an amendment proposing to appropriate $1,500,000 to carry out the provisions of an act entitled "An act to provide for the establishment of a national employment system, and for cooperation with the States in the promotion of such system, and for other purposes," etc., intended to be proposed by him to House bill 17163, the second deficiency appropriation bill, which was ordered to lie on the table and to be printed.

AMENDMENT OF THE COPYRIGHT ACTS

As in legislative session,

Mr. WAGNER submitted an amendment intended to be proposed by him to the bill (H. R. 12549) to amend and consolidate the acts respecting copyright and to permit the United States to enter the Convention of Berne for the Protection of Literary and Artistic Works, which was ordered to lie on the table and to be printed.

COPYRIGHT REGISTRATION OF DESIGNS

As in legislative session,

Mr. KING submitted an amendment intended to be proposed by him to the bill (H. R. 11852) amending the statutes of the United States to provide for copyright registration of designs, which was ordered to lie on the table and to be printed.

PRINTING OF PRAYERS OF THE SENATE CHAPLAIN

As in legislative session,

Mr. MOSES submitted the following resolution (S. Res. 469), which was referred to the Committee on Printing:

Resolved, That the prayers offered by the Rev. Z@Barney T. Phillips, D. D., Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Seventieth and the Seventy-first Congresses be printed as a Senate document.

INVESTIGATION OF PRODUCTION COSTS OF DEAD OR CREOSOTE OIL

As in legislative session,

Mr. COPELAND submitted the following resolution (S. Res. 470), which was ordered to lie on the table:

Resolved, That the United States Tariff Commission is hereby directed to investigate under section 332 of the tariff act of 1930 the difference in the costs of production and delivery to the principal market or markets of the United States during the calendar years 1928, 1929, and 1930 of dead or creosote oil provided for in paragraph 1651 of the tariff act of 1930, when produced in the principal competing country and a like or similar article produced in the United States, and to report thereon to the Senate as soon as practicable.

Resolved further, That if this investigation discloses that the domestic cost of production exceeds the cost of production abroad in the principal competing country, the commission shall include in its report a statement as to the rate or rates of duty necessary to equalize said cost difference based on the American selling price as defined in section 402 (g) of the tariff act of 1930.

CONTINUING EMPLOYMENT OF A NIGHT WATCHMAN

As in legislative session,

Mr. WATSON submitted the following resolution (S. Res. 471), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution No. 269, agreed to June 2, 1930, authorizing and directing employment of a night watchman by the Secretary of the Senate, to be paid out of the contingent fund of the Senate, hereby is continued in full force and effect until otherwise provided by law.

ADJUSTED-SERVICE CERTIFICATES

As in legislative session,

Mr. VANDENBERG. Mr. President, on yesterday I called to the attention of the Senate the fact that on Monday morning John E. Edgerton, president of the National Association of Manufacturers, had issued a statement in which he declared that the pending veterans' compensation program would "inevitably result in larger tax burdens and retard, if not completely hinder, business recovery." I immediately sent him a telegram and asked how the pending legislation would produce inevitable tax burdens and hinder business recovery. To-day I have his answer, and I think in fairness to him it should be printed in the RECORD.

I want to call this much attention to it in detail. He now urges general objections to the legislation, which, of course, it goes without saying that he is entitled to do. So far as the specific facts in our controversy are concerned, he offers only two exhibits as supporting the original suggestion that this inevitably would result in a larger tax burden. I assume, therefore, that these are the only exhibits available. The first exhibit is the alleged adverse effect upon the general market by avoidable public financing at this time. I think this is completely answered by the fact that the Treasury is proposing to anticipate by one full year over a billion dollars of public financing within the next three weeks.

The other exhibit relates solely to the cost of administration, and he himself admits that this will not "be very great." As a matter of fact, it is a relatively negligible item which is more than offset by subsequent savings in cost of administration during the next six years when the bureau is relieved from making year-to-year loans up to 50 per cent in driblets.

Mr. REED. Mr. President, will the Senator yield?

Mr. VANDENBERG. Certainly.

Mr. REED. I only want to call the Senator's attention to the fact that the Treasury Department was committed to the payment of that $1,100,000,000 of Treasury notes by notice given last September. Under the term of the notes notice had to be given six months in advance.

Mr. VANDENBERG. But this refinancing does not arise out of veterans' certificates. Completing the exhibit I now ask that my telegram and Mr. Edgerton's reply be printed in the RECORD. I submit to the Senate's judgment whether Mr. Edgerton has justified his notice to the country that the pending veterans' legislation will inevitably result in "tax burdens" which will "completely hinder" business recovery, or whether his extravagant warning is demonstrated to be without factual warrant. I am solely discussing these underlying facts. I ask for publication of the telegrams.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

FEBRUARY 23, 1931.

Your public statement this morning says that pending veterans' loan bill will inevitably result in larger tax burdens. Will you be good enough immediately to wire me how and why? I fear you are still thinking about original full cash-payment plan for which pending loan plan is a substitute. Do you know that the loan bill does not increase the actual values of compensation certificates by a single penny? Do you know that the bill only provides that the veterans shall borrow from their own insurance maturity funds appropriated during the last six years and now in the Veterans' Bureau in Government securities? Do you know that the Government can not lose even incidentally on the transaction because it will charge higher interest on these loans than it pays for its own money? Do you know that Senator SMOOT said on the floor of the Senate last Saturday as follows: "I thought it was understood that there would be no financing at all necessary, but that the amount of money to the credit of all of the veterans, if the securities held in the Treasury of the United States to meet the certificates were disposed of at the present time, would be sufficient to pay whatever the legislation passed on Thursday would require. There is no doubt about that at all." Under these circumstances, do you not wish to withdraw your statement which misleads American business into believing that the pending loan law will burden it to its fatal detriment? Is not your statement itself a needless and unfortunate menace to business under these circumstances?

ARTHUR H. VANDENBERG,
United States Senator.

NEW YORK, N. Y., *February 24, 1931.*

Senator ARTHUR H. VANDENBERG,
Senate Office Building, Washington, D. C.:

On account of holiday yesterday and engagement away from office your wire of 23d did not reach me until late to-day. Hence was unable to reply by hour suggested by you. In my public statement touching veterans' loan bill the cost only was stated

as an objection, because that touches the interest of the largest number of people. There are other potent objections to the measure which are well known and which would make it unwise, we think, even if cost consideration were eliminated. But replying directly to your animadversions regarding cost, I had in mind the warning of Secretary Mellon that this bill would involve extensive and untimely financing and sale of Government bonds, in which process costs would accrue to the seller; also his letter of February 13 to Chairman HAWLEY, in which he said that "the important consideration is the amount of cash that can be obtained by the Treasury through borrowing without disorganizing the finances of the Government and adversely affecting the security market to which the Government must resort to cover its obligations." Furthermore, every law that is passed, whether good or bad, costs money to administer and adds to the cost of Government, and every cost of Government means eventually more taxes. In this instance the net cost might not be very great and would be justified fully if the relief promised by it were to be confined to those who need it. We believe that the dangers of abuse inherent in this type of legislation are too great to justify even small cost.

JOHN E. EDGERTON,
President National Association of Manufacturers.

DECLINATION OF BEQUEST TO UNITED STATES GOVERNMENT

Mr. GOFF. Mr. President, as in legislative session, I ask unanimous consent for the consideration of the joint resolution (S. J. Res. 112) concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va., which was unanimously reported out of the Committee on Finance on yesterday. I desire to state, prior to the clerk being requested to read the joint resolution, that it involves merely the question of a bequest of $5,000 by an old man in West Virginia to the United States Government. The Secretary of the Treasury has consented that the Government can properly refuse to accept the gift. The will was made under circumstances which do not indicate testamentary capacity. The matter having been reported out of the Finance Committee yesterday with no objection whatsoever, I now ask that the joint resolution be read, considered, and adopted. It should be passed, Mr. President, and I trust it will be.

The VICE PRESIDENT. Is there objection?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va., in his last will and testament dated August 27, 1927, and recorded in book 14, page 308, of the records of the county court of Harrison County, W. Va., be declined by the Government of the United States and that the estate of the said S. A. Long be forever discharged from any obligation to the United States growing out of said last will and testament.

CHANGE IN DATE OF INAUGURATION

Mr. NORRIS. Mr. President, as in legislative session, I ask the Chair to lay before the Senate the message from the House of Representatives relating to Senate Joint Resolution 3.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 3) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress, which was to strike out all after the resolving clause and insert:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"SEC. 2. The Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day. In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May.

"SEC. 3. If the President elect dies, then the Vice President elect shall become President. If a President is not chosen before the time fixed for the beginning of his term, or if the President elect fails to qualify, then the Vice President elect shall act as President until a President has qualified; and the Congress may by law provide for the case where neither a President elect nor a Vice President elect has qualified, declaring who shall then act as President, or the manner in which a qualified person shall be selected, and such person shall act accordingly until a President or Vice President has qualified.

"SEC. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them.

"SEC. 5. Sections 1 and 2 shall take effect on the 30th day of November of the year following the year in which this article is ratified.

"SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress, and the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission."

Mr. NORRIS. I move that the Senate disagree to the amendment of the House, ask for a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

Mr. ROBINSON of Arkansas. Mr. President, pending the motion, will the Senator from Nebraska state the differences between the House amendment and the Senate provision?

Mr. NORRIS. There are some amendments which in my judgment are of slight importance. In the Senate we fixed the day for the beginning of the term of House and Senate Members as of the 2d of January and for the assembling of Congress as of the 2d of January. The House changes it to the 4th of January. We fixed the beginning of the term of the President as of January 15. The House fixes it as of January 24.

There are two new provisions in the House amendment. One gives to Congress the authority to declare who shall act as President in case the election is thrown into the Congress and the candidates or any of them from whom the Senate and the House must elect should die. Another one is the fixing of the date of final adjournment of the session of Congress on the 4th day of May. I think all the difficulties can be easily threshed out in conference.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nebraska.

The motion was agreed to; and the Vice President appointed Mr. NORRIS, Mr. BORAH, and Mr. WALSH of Montana conferees on the part of the Senate.

EXECUTIVE MESSAGES AND APPROVALS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on February 24, 1931, the President approved and signed the following acts:

S. 3277. An act to provide against the withholding of pay when employees are removed for breach of contract to render faithful service;

S. 5458. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 7 meets Texas Highway No. 87; and

S. 6041. An act to authorize an appropriation of funds in the Treasury to the credit of the District of Columbia for the use of the District of Columbia Commission for the George Washington Bicentennial.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14922) to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3820) to amend section 1 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1748. An act for the relief of the Lakeside Country Club;

S. 3060. An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes;

H. R. 9224. An act to authorize appropriations for the construction of a sea wall and quartermaster's warehouse at Selfridge Field, Mich., and to construct a water main to Selfridge Field, Mich.;

H. R. 14255. An act to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain;

H. R. 15071. An act to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes; and

H. R. 15437. An act to authorize appropriations for construction at Tucson Field, Tucson, Ariz., and for other purposes.

ENROLLED BILLS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, February 25, 1931, that committee presented to the President of the United States the following enrolled bills:

S. 1748. An act for the relief of the Lakeside Country Club;

S. 3060. An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes.

The Senate resumed executive business.

NOMINATION OF EUGENE MEYER

The VICE PRESIDENT. The question is on the confirmation of the nomination of Eugene Meyer to be a member of the Federal Reserve Board. The Senator from Iowa [Mr. BROOKHART] has the floor.

Mr. BROOKHART. Mr. President, on yesterday I was explaining the flow of credit back to the big New York banks as due to the operation of the Federal reserve law. I did not blame the Federal Reserve Board for that condition. That is due to the law itself. I asked Mr. Eugene Meyer about the matter. He had no opinion about it; he knew nothing about it. The examination of that man developed the most remarkable case of ignorance I ever knew of when it comes to important things. On nearly every proposition, including the bill of the Senator from Virginia [Mr. GLASS] to tax speculative sales, he had no opinion whatever, he knew nothing about them and crawled away from them.

DEFLATION

Mr. President, while there is no blame to attach to the Federal Reserve Board itself for the law, yet there are some policies of the board in its history to which blame must attach. The important one is the deflation policy of 1920. I think a reserve bank has no right ever even to consider a general policy of deflation. I think such a policy is always an economic crime. But, notwithstanding that fact, they did consider it in 1920.

Before we can decide about deflation perhaps we must see what caused the inflation. In this case there had been an inflation, and here is what I think was the principal cause of it: Early in 1919, after the war was over, the Federal reserve banks, at least of the Northwest, began issuing letters. I have seen any number of letters written to member banks in which it was said, substantially, "You are not taking advantage of your privilege as a member of the Federal reserve bank. Why do you not send in more paper and rediscount it and borrow more money and lend it out to your people at home to start new enterprises and enlarge old enterprises?" Bankers relied upon these letters. They had a right to rely upon them. They did send in more paper and rediscounted it and borrowed more money and loaned it out, and thus did start some new enterprises and enlarged many old enterprises.

Then, after all of this had been done in the early part of 1919, in the latter part of 1919 there was a new rumbling started over in Wall Street. That rumbling was to the effect that we were overinflated, with too many Federal reserve loans, and that they must be reduced and deflated. It continued over until 1920, and finally the Federal Reserve Board took notice of it.

As I have said, they had no right to consider a general policy of deflation and here is my reason for that contention: There can be no inflation of reserve-bank loans unless the reserve banks approve those loans. They have a right at the beginning, when the member banks apply for the loans, to refuse them, and to turn them down because they would result in undue inflation; but after they have approved them they have no right then to turn around and, in a wholesale way, call those loans and destroy the enterprises that have been created by them. In this case there was not only that reason against deflation, but they had actually solicited these loans a year before. That is an added reason why they had no right to consider a deflation policy at that time. But, notwithstanding all that, they met on May 18, 1920.

We do not have to guess at what was said or done in that meeting. We have here the stenographic reports of every word uttered in it. There were present the Federal Reserve Board, the Class A directors, and the advisory council. The names of all the men who were in that meeting are printed in these minutes.

The meeting started with a speech by the Governor of the Federal Reserve Board, Governor Harding. In that speech he pointed out that the country was inflated; that there were too many Federal reserve loans, and that they must be reduced. Then he even put into the mouths of the directors of the Federal reserve banks the words they should say to the member banks in order to bring about deflation. On page 8 of these minutes he says:

> Thus the directors of the Federal reserve banks are clearly within their rights when they say to any member bank: "You have gone far enough; we are familiar with your condition; you have got more than your share, and we want you to reduce; we can not let you have any more."

There is much more of the same tenor in this speech. Then, after the conclusion of the speech, the meeting unanimously adopted a resolution, which will be found on page 34 of the minutes, indorsing that speech as the policy of the meeting.

Then, Mr. President, they adopted another resolution; they did not stop with this one. On page 42 is found a resolution in accordance with the terms of which they appointed a committee to go to the Interstate Commerce Commission to ask for an increase of railroad rates.

Mr. President, I have listened to apologies for this meeting; I have heard it excused and defended by its strongest defenders; but when I have laid that railroad resolution down before them, no word of defense for that action has ever come to me.

I would have the Senate and the country think for just a moment about that situation. Think of a great board with greater economic power than any board ever had in the history of the world, greater than the combined economic power of the Kaiser and of the Czar in their palmiest days, meeting for the purpose of considering a general deflation of the country, and then at the same time proposing to inflate the railroads of the country by raising their rates!

SECRECY

That is not all they did in this meeting, Mr. President. More than half of all the proceedings recorded in these minutes have to do with the proposal to force deflation by raising the discount rate so high that the member banks could not afford to pay it. That portion of the proceedings was in secret. I have here the release of the statements which were given to the Congress and to the press, and there is not one word about raising the discount rate for

the purpose of forcing deflation. When the meeting came to adjourn, Governor Harding said to them:

I would suggest, gentlemen, that you be careful not to give out anything about any discussion of discount rates. This is one thing there ought not to be any previous discussion about, because it disturbs everybody, and if people think rates are going to be advanced there will be an immediate rush to get into the banks before the rates are put up, and the policy of the Reserve Board is that that is one thing we never discuss with the newspaper man. If he comes in and wants to know if the board has considered any rates or is likely to do anything about any rates, some remark is made about the weather or something else and we tell him we can not discuss rates at all; and I think we are all agreed it would be very ill advised to give out any impression that any general overruling of rates was discussed at this conference.

Under that injunction of secrecy the meeting adjourned. I have asked about a million people if they knew about that policy at that time, and no hand has ever yet been raised in assent. The country at large did not know about it; the farmers did not know about it; the merchants did not know about it; the manufacturers did not know about it; the bankers, even some pretty big bankers, did not know about it. Three and a half years after this meeting was held I talked with the president of the American Bankers' Association at his office in Omaha, Nebr., and he did not know of it until the junior Senator from Nebraska [Mr. HOWELL] and I showed him the minutes of the meeting on that day.

LOANS TO BIG BUSINESS

Mr. President, while the ordinary banker and the ordinary business man knew nothing about this meeting, big business men knew about it. In defense of this action it has been stated to me that the question of discount rates ought always to be kept secret. I would concede that, if it could be kept secret for everybody alike; but, Mr. President, for instance, Armour & Co.'s banker was in that meeting, and the next day he was out after a loan for $60,000,000 for Armour & Co. for 10 years, thus predicting a 10-year depression that was to follow the action contemplated by this meeting. Eight per cent was offered for that money, and Armour & Co. got it. They sold their paper all over the country, while the country was unaware of the purpose of that great loan. Some of it was sold in my State.

I know that a Representative in the Congress from my State bought $2,000 of that 8 per cent 10-year Armour paper because he did not know what it all meant or what the purpose was. The paper was sold all over the country in that way; the loan was obtained in a very short time, and that during this period of secrecy. There was no open discussion of this deflation policy until October. Then they came out publicly, and let the whole public know they intended to force a deflation.

Swift & Co. got a loan of $50,000,000 just a little later for the same purpose. The Sinclair Oil Co.—and all Senators have heard of that patriotic institution—got a loan for $46,000,000; and they were forehanded; they got their loan a few days before the meeting was even held. I have here the testimony of Mr. Sinclair before the committee presided over by the then senior Senator from Wisconsin, Mr. La Follette—the elder La Follette—when he was investigating the oil business. I, myself, asked Mr. Sinclair why he got that loan at that time, and he said, substantially, that he got it to guard against the Federal Reserve Board's deflation policy. At that time they had no policy, so far as was known; they had not even held their meeting at that time to formulate a policy; yet Mr. Sinclair knew what the baby was before it was born. In that way, Mr. President, big business was informed of this policy, and big business went out and protected itself against the depression that would surely follow, by gathering in all the available credit there was in this country.

FURTHER INFLATION

Yes, Mr. President; even more than that was done. This meeting decided we were overinflated, that there were too many Federal reserve loans, and they must be reduced. Did they follow their own decision? No. When I first quoted that decision, they themselves came back at me and said they did not deflate at all, that they further inflated to the extent of several hundred million dollars. Why was that done? Why did they disregard their own opinion and their own injunction? There is only one explanation which can be made for that act, and that is that they proposed to make it easier for the big business of the country to obtain the necessary credit to tide it over the depression that must follow.

After that was done, they came out publicly. This action was delayed until October, 1920, the meeting having been held on May 18, 1920. They held public meetings because now the big men were ready for deflation. Absolutely the only big man I know of that did not have this tip and did not act on it was Henry Ford. They seemed to be after Ford, anyway; he was then, at least, not playing the game according to Wall Street Hoyle. But in October, Mr. President, they came out and held public meetings. They held them all over the West; they held four of them in my State; they held them as far west as California.

DEFLATION MEETINGS

I was at the last of these meetings at Ottumwa, Iowa, where the representative of the Chicago Federal Reserve Board said to us something like this: "We have been awfully good to you out here in Iowa; we have loaned you $91,000,000 in Federal reserve loans, when your loan allotment for the whole State was only $36,000,000; but the time has now come when the people entitled to this $55,000,000 excess that you have, want it; so you will have to sell your crops and reduce these loans."

Then, Mr. President, I got up and asked him, "Who made this allotment of $36,000,000 to the State of Iowa of Federal reserve loans?" but he said he did not know. I have asked members of the Federal Reserve Board that question, but nobody knows. In fact, Mr. President, no such allotment was ever made. There was no authority in the law for any such allotment, and there is no sense in any such allotment. Iowa, even in these bad times and at these low prices, will produce $600,000,000 worth of agricultural products net, and Iowa will produce five hundred million or six hundred million dollars of industrial products, because they are worth two or three times as much at the prices they get as agricultural products. Yet with this eleven or twelve hundred million dollars of original production in the State, the announcement was made we had an allotment of only $36,000,000 of Federal reserve loans against all that production. The unfairness of it, the unsoundness of it, is apparent as soon as the facts are made known.

Mr. President, here is the way deflation was worked out so far as my section of the country was concerned: The banks, when they got this injunction from the Federal Reserve Board, sent for their customers. Another Member of the House of Representatives from Iowa, the most prosperous farmer in his county, feeding ten or twelve hundred head of cattle and having bought $16,000 of Liberty bonds, was sent for by his banker, who said to him, "The Federal reserve is demanding a reduction of these loans." The Iowa farmer replied: "I can not reduce my loan now; my stuff is not ready to go to the market, and if I am forced to sell, it means a very great sacrifice." The banker said to him, "You have your Liberty bonds." He said, "Yes; I know that, but I did not buy those bonds to sell them; I bought those bonds for my children. I want to keep them as a permanent investment. I do not owe you much compared with the value of my cattle, and you are sure to get your money." But the banker said, "The Federal reserve is demanding a reduction of these loans," and under the threat of a suit, he was forced to sell those Liberty bonds at 87 cents on the dollar.

DEFLATION OF LIBERTY BONDS

As I told this story down in South Carolina a business man said to me, "I was forced to sell my Liberty bonds at 83 cents on the dollar." When I told it over in Tennessee, a business man said to me, "I was forced to sell my Liberty bonds at 80 cents on the dollar." When I told it over in Ohio, a business man said to me, "I was forced to sell my bonds at 78 cents on the dollar." There are people all over the country, and especially farmers, who were forced to, and did, sell those Liberty bonds as low as 80 cents on the dollar, because they went that low before the speculation ended.

How did they break down the Liberty bonds, the obligations of the Government of the United States itself? They raised the discount rate up to 7 per cent, as planned in that secret meeting; and when the discount rate is 7 per cent, the ordinary interest rate is about 9 per cent—about 2 per cent higher. When New York money will yield 9 per cent, a 4¼ per cent bond goes down below par, just as water runs downhill. Then the big men who had gathered in all this credit had money to buy bonds, and they bought them at these low figures. After they have bought them in, then they take a look into this high discount-rate proposition again, and they say it is unsound and that it ought to be reduced. Then it is reduced back down to 3, 3½, even down now to 2 per cent. Then the 4¼ per cent bonds come back up to par, and even go above par, and two or three billions of speculative profits are taken from the pockets of the common people of the United States who had bought those bonds for the life of the Government itself. Not all of the farmers had enough Liberty bonds to meet this demand, and that forced them to dump their livestock and their grain into the market in October and November of 1920, when the market was oversold anyhow, and when prices were nearly always depressed; and this extra pressure caused the greatest panic in farm prices in all the history of agriculture.

AGRICULTURE DEFLATED MOST

The Manufacturers' Record says it deflated agriculture $32,000,000,000. Eighteen billions of that it places upon land values, and that is not far different from the Agricultural Department's own figure; and the other fourteen billion it places upon the two crops of 1920 and 1921. It says other business was deflated about eighteen billions more. If that be correct, agriculture was deflated about six times as much in proportion as the other business of the country, and that is because the deflation was timed to begin in October. In October the whole year's production of the staple crops of the farmers of the United States is ready for the market; and if the deflation occurred at that time, it deflated the whole 12 months all at once.

That is why and how this deflation could hit agriculture harder than the other business of the country. Besides, at that time agriculture is entitled to increased loans instead of a reduction.

Mr. President, Mr. Eugene Meyer did not approve this policy. That is one item in the examination where he seemed to know something. It is the only one of importance, I think, all the way through.

The Federal Reserve Board was directly responsible for that policy of deflation; and all of the eulogies of the Federal Reserve Board for all it has ever done are offset a hundred times by the damage that was done by this deflation policy. It was so drastic that it has been my estimate that it is 65 per cent of the cause of the farmers' troubles. I am aware that the Senator from Virginia [Mr. GLASS] and some others say this policy was not the cause of the decline in farm prices; but I quote from the speech of the Senator from Virginia in defense of the Federal Reserve Board, on page 13, and his figures are fatal to that argument. They corroborate exactly the story which I have told in the Senate to-day.

In January, 1920, cotton was worth 35.9 cents; wheat was worth $2.32; corn, $1.40; oats, 78 cents. In October, when the deflation began in earnest, cotton had already gone down from 35.9 cents to 25.5 cents, and wheat down from $2.32 to $2.14, corn from $1.40 to $1.21, and oats from 78 cents to 61 cents.

That was at the beginning of the open policy. By December cotton was down to 14 cents from 35.9 cents in January, and wheat down to $1.44 from $2.32, and corn down to 68 cents from $1.40, and oats to 47 cents from 78 cents. So, when we get the inside facts as well as the outside facts, those figures of the distinguished Senator corroborate exactly what I have said about this deflation policy.

Mr. President, I made the statement that the causes of these depressions and of these discriminations against agriculture were due to laws of Congress. I have analyzed the transportation act, and now I have analyzed the Federal reserve act and the deflation policy. I think those two are the biggest causes, but there are some other laws that have contributed to this situation. For the rest of those causes I want to name the tariff laws, the patent laws, and the corporation laws. I shall not take the time to analyze them separately, because their effects have been much in the same line.

TARIFF AND PATENT LAWS

The tariff law operates to give the protected industry the power to fix the price of its products at its factory without foreign competition. The patent law gives an absolute monopoly, and the patented manufacturer can fix the price of his product without any competition.

CORPORATION LAWS

The corporation laws are mostly State laws. The Federal Government has chartered few corporations except the national banks. Most of them get their charters from the States, and then enter interstate commerce; and, of course, interstate commerce is the biggest portion of our commerce. About 85 per cent of railroad transportation is interstate. These corporations combine a big volume of capital and then enter interstate commerce without any regulation except the antitrust law. There is nothing in the Federal laws that controls their profits or tells them in any way how much they shall charge the people for the privilege of being corporations created by the law.

A corporation has no existence but under the law; and I maintain that, since the law creates it, the law has the right to say to it what kind of a life it shall live, and what profits it shall charge the people for the privileges of combination that are given to it by the law.

FARM SURPLUSES

Along with that go the industries, patented and protected; but here is the farmer. The farmer has a little surplus. It is about 10 per cent of what he produces, on an average. It is about 50 per cent of cotton, about 20 per cent of wheat, less than 1 per cent of corn—and this year it is a good deal less than no per cent, because there is a shortage—and it is not more than 1 per cent of oats. It will average up, for all staple crops, about 10 per cent. The farmer is forced to sell that little surplus of his in the domestic market.

He sells his surplus first at home. He is forced to do that. If he borrows money to hold the crop, still, finally, when he sells it, he sells it in the home market. He is not financed in any way collectively to separate and segregate this exportable surplus from the domestic market, unless, as we shall see, that was modified to some slight extent by the Federal Farm Board.

Therefore, as he sells his surplus, it floods the market by the amount we will say on the average of about 10 per cent in a series of years; and that breaks down his tariff protection. He has tariff rates upon his products, too; but they are not effective for that reason. This surplus floods over them into the free-trade market of the world, and it is sold there in competition with all the world, and the price is fixed by that sale. Then that price is cabled back in a few minutes to the board of trade or the cotton exchange, as the case may be, and then the price of the farmer's whole product is fixed at substantially the same figure, less, however, the expense and freight of reaching the foreign free-trade market.

In that way the farmer has no voice in the price he pays for what he gets. That is fixed for him at the factory. On the other hand, he has no voice in the price he gets for what he sells. That is fixed for him by the sale of his surplus in the free-trade market of the world.

That is not true of the industries. When the big industries have a surplus, they are financed. They separate and they segregate it from the domestic market. It is never even offered for sale in the domestic market. That is true of steel products; it is true of aluminum products; it is true of practically every big industry that sells a surplus abroad. When the industries sell their surplus abroad, they get the best price they can; and usually they take

a lower price than they charge the people of the United States under a protective tariff or a patent law. That is unfair to agriculture; and agriculture can not be prosperous when the prices it pays and the prices it gets are fixed in that way.

We shall see a moment later about the effect of the Farm Board's actions upon that situation.

I have attributed about 25 per cent of the cause of our trouble to these tariff laws, patent laws, and corporation laws, operating in this way. I would attribute to them a bigger percentage than that at this particular time or at any other time that is not associated with the great deflation policy of 1920; but, as I see that policy, its cause was so great that it takes up a bigger percentage in the estimates.

POLITICS OF LAWS

Mr. President, with the exception of the State corporation laws, these are laws of the Congress for which the Congress and the Government of the United States are responsible. Who is responsible for the railroad law? Its authors in both Houses of Congress were Republicans; but it was signed by a Democratic President, and got a considerable number of Democratic votes. We had cooperation, Mr. President, when that law came up, whereby $7,000,000,000 of water was to be injected into the capitalization of the railroads.

The Wall Street crowd was on hand with their cooperative movement in full force, they were able to break down party lines in both Houses of Congress, and the bill passed without really being a party measure.

The Federal reserve act was a Democratic measure, but it was supported by many Republicans, and at the time of the deflation meeting every member of the Federal Reserve Board was a Democrat. But they called in the class A directors, and the advisory council, and they were nearly all Republicans. Again we find this great principle of cooperation operating 100 per cent for the deflation of the people of the United States, and especially the farmers of the United States, and at the same time protecting the big business of the United States.

REMEDIES—RAILROADS

Therefore, if the people of this country want to understand the fundamental causes in this history of speculation and depression, they must realize that the cause is not partisan; party lines fade away whenever the big crowd comes along with a big proposition of that kind.

What are the remedies for it? Let us consider the railroad proposition. You may consider that from any standpoint you choose, but the only remedy that suggests itself that will be effective and permanent and in the interest of all the people, which can be applied, is to do what the Canadians have done with their railroads. They took them over, and all but one are operated by the Government.

Some one says to me that we had a terrible experience with Government operation in the United States. We did, and I want to tell the story of that. When a committee of the Congress was considering the railroad question, previous to the taking over of the roads by the Government, a showing was made for Government ownership. The railroads brought over an economist from England to reply to that showing. His name was W. M. Ackworth, and he was perhaps the most noted railroad economist in the world at that time. He went before the committee and made a very radical statement against Government operation of railroads. It was discovered afterwards that he had just sat on a royal commission to determine what should be done with the Canadian railroads, and that commission had just officially decided that the Government of Canada should take over and own and operate all the roads in Canada except one. So, after an official decision so momentous in favor of Government ownership, he probably had to make a very radical statement to our committee against government ownership to produce any effective impression. Then it was shown from his own book that practically all of the propositions he made to the committee were untenable, and that ended the hearing as to Government ownership. The railroads had no more to say about Government ownership in the United States.

Then they adopted a new line of tactics. The law had been passed permitting the Government to take over the roads during the war. Then the private managers, who still continued to manage the roads under the Director General of Railroads, evolved a scheme of padding their pay rolls and expense accounts enormously, in order to discredit Government operation and the Government of the United States itself.

In 1917 the total operating expenses of the roads—and that included the Adamson law, and all—were $2,956,000,000, nearly $3,000,000,000. But in 1918 the expenses were $4,137,000,000. A part of that was necessary, but a large part was padded accounts, padded for the purpose of discrediting the Government even in time of war. Then in 1919 they increased nearly $500,000,000 more to $4,569,000,000, and on the 1st of March, 1920, the roads were turned back.

GUARANTY FROM TREASURY

I said in the beginning that I would mention a guaranty to the railroads out of the Treasury of the United States in this transportation act, and here it is. The transportation act guaranteed the war-time profits to the roads for six months after they were turned back to private ownership, and that period began the 1st of March, 1920.

As soon as they got that guaranty, these patriotic railroad managers, who had been these two years and more padding their pay rolls and expense accounts against their own Government to discredit it, further decided to pad those accounts still more, over what they had already done, and we find the operating expenses jumping from that $4,569,000,000 in 1919, to $6,054,000,000 in 1920. Over the top of all this padding which had been done these years before they padded those expenses $1,485,000,000 more, nearly a billion and a half dollars, and that made a deficit in the guaranty. We have written checks on the Treasury of the United States for $529,000,000 to pay that deficit.

They claim about six hundred millions of this increase was due to increase in wages, but the other nine hundred millions was due to graft of every kind known to the science and art of grafting.

Mr. President, that was not a guaranty to pay losses or to pay damages; we paid those two or three times over, too. That was a guaranty to pay war-time profits through a period of six months, which ended about two years after the war was over and six months after the roads were turned back to private ownership, a subsidy direct out of the Treasury of the United States; and this subsidy was paid during the same six months of deflation of agriculture and other business.

That is not the only subsidy the railroads have had. They got 158,000,000 acres of public lands as a subsidy direct, territory equal in extent to four and a half States as big as my State of Iowa, and they got $529,000,000 in cold cash out of this guaranty. Then they got a valuation in 1920, with $7,000,000,000 more of water. We can talk of subsidy, but the private owners of the railroads in the United States have been the biggest grabbers of subsidies in the history of the world, always under the laws passed by the Congress of the United States.

Mr. President, if our Government will honestly operate the roads as the Canadian Government has done, it can do it and make savings in all the items I have pointed out. It can not do it with dishonest traitors padding the accounts of the railroads to discredit the Government of the United States. Even in spite of this, the last year of Government operation was $1,485,000,000 less in operating expense than the next year, 10 months of which was private operation.

I have been at pains to find out whether or not the Members of Congress have gone home and told their constituents about the facts in reference to this railroad operation, and I find they have not told the people. I have been in 20 States, and I have heard it mentioned in only two or three in the whole list. The people of this country are

entitled to know the facts, and I propose to keep talking them in the Senate and out of the Senate until the people do know them, as far as it is in my power.

PATENTS

In reference to the patent laws, I feel that the Government ought to hold all the patents and make them free, fix a royalty for the real inventor who obtains the patent, and not allow the profits to go to somebody who jockeys the real inventor out of the patent in a financial transaction. I do not know whether that can be done under the Constitution of the United States or not. I have had the drafting committee working on the constitutionality of it for some time. If it can be done, I shall certainly propose a law to that effect; if not, then a constitutional amendment.

HANDLING FARM SURPLUSES

Mr. President, what is the remedy for handling the farmer's surplus, and what has the Farm Board done to carry out that remedy? Herbert Hoover, during the war and after the war, taught us how to handle agricultural surpluses. On the 15th of July, 1917, he wrote President Wilson and said that England, France, and Italy had combined and appointed one buyer to buy all their wheat, and they had decided to bid a dollar and a half a bushel for No. 1 Northern, Chicago, and they were the only bidders we had. He said a Government corporation would have to be organized, with funds to buy and hold the surplus at a cost of production price, because the farmers could not afford to produce wheat at such a figure.

Mr. Hoover also pointed out that the year before, in 1916, the farmers had received $1.51 for their wheat, on an average, and that the speculator sold it for as high as $3.25, but that the consumers paid for their bread at the speculator's price rather than at the farmer's price. He called for the ending of speculation in food products.

President Wilson got the law passed on the 10th of August, 1917. Four days later he appointed a Farm Board. Sixteen days later that board completed its deliberations on the subject, and fixed the price of wheat; and there was no argument about price fixing; they fixed it at $2.20 a bushel for No. 1 Northern, Chicago.

On the same day that price was fixed, Mr. Hoover bid that price for all the wheat that was offered, not for any little part or portion of the crop, not for half or one-third of the surplus, but for all the wheat that was offered, and the Board of Trade went out of business the same day. It never sold another bushel of wheat on futures during the next three crops of 1917, 1918, and 1919. All of that was handled through the wheat corporation and direct sale and delivery markets.

Congress had given Mr. Hoover $150,000,000 in cash to buy the surplus wheat, but it had authorized him to borrow more if he needed it. He needed $385,000,000, and he borrowed that, and he bought $535,000,000 worth of wheat alone, and held it. He did not sell part of it and then buy more back again. He stayed out of the gambling market entirely, and he announced as a policy that he would hold the wheat until he got his money back, that it was not for sale until then.

Mr. President, the present Farm Board has never had such a policy as that. It has gone into the market like another gambler, and has been a detriment to the market rather than a help, even breaking down the world market.

In the fall of 1918 the slogan went out, "bread will win the war," and the President called upon the farmers to sow more wheat. They did sow more. They sowed 18,000,000 acres more. But after that winter wheat was sowed, in 1918, the armistice was signed, and the war was over.

Then it appeared that we might not need all that wheat. We went through the winter all right. By the 1st of March the department was predicting 1,200,000,000 bushels as the probable yield. Eight hundred million is the ordinary crop. Mr. Hoover was then alarmed about financing such a big prospective surplus. He did not know whether he would be able to raise the funds from the banks, and he wanted to make sure. So he sent Julius Barnes to Congress, and Barnes came before the Committee on Appropriations of the House and asked for a thousand million dollars to handle wheat alone—a billion dollars—and he got it; Congress voted it all without batting an eye.

The season came on, and it was not good. The yield was low, although the acreage was large. We got about 968,000,000 bushels when we were expecting 1,200,000,000. That was still more than the ordinary crop of 800,000,000 bushels. Barnes had to buy and did buy and hold 138,000,000 bushels of that crop. The price had now gone up to $2.26. That was an increase of 6 cents which was granted by the board. That was for the railroads and not for the farmers, however, because the railroad rate had gone up by that amount. Then they sold all that surplus wheat and got all that money back and got $59,000,000 of profit, which was tucked away into the Treasury of the United States, and remains there to-day.

That is the only way I know of to handle an exportable surplus. That is the only way anybody has ever successfully handled it. That is exactly the way the Steel Trust is handling its exportable surplus now, and has all these years. It is the way the Aluminum Co. is handling its exportable surplus now. That is the way every other industry that has an exportable surplus is handling it.

I was in hopes that when the farm relief bill was enacted it would contain some of these principles with enough funds to back them up. It only had a part of them, and it did not have anything like enough funds to support them. Can we successfully handle our agricultural exportable surplus in that way? Not with $500,000,000 while the surplus amounts to two thousand millions. In the first place, there never has been a 6-year period in the history of the world when the agricultural products were not used up. They have always been used; there has always been a demand for them in all the history of the world if financed over a long period of time.

Let us take cotton. That is the most outstanding proposition of export. It is the biggest item of all. Let us take the most unfavorable time, 1926, when we had had three big crops in succession and the carry-over for a surplus of about 8,000,000 bales. Suppose we had been operating in that way with cotton at that time. Suppose the Farm Board had fixed the price at 23 cents a pound. In my opinion the farmer must get about 23 cents a pound at his principal markets in order to be prosperous. Suppose the Farm Board had had the funds to pay 23 cents a pound for all the cotton that was offered when we had that big surplus and had bought it as Hoover did the wheat. It has been variously estimated to me that they would have had to buy $400,000,000 or $500,000,000 or even $600,000,000 worth, but nobody has made a higher estimate than $600,000,000. But Mr. Hoover with his wheat corporation bought and held $535,000,000 worth of wheat, and it is ordinarily only about half as big an item of export as cotton. Suppose that had been done in 1926. All of that cotton would have been used up by 1927 and 1928 without the loss of a dollar and we could even have taken a profit on it as Hoover did on wheat.

Instead of that what actually happened? The farmers of Oklahoma got 6 cents a pound for their cotton. They would have gotten 17 or 18 cents if the price had been fixed at 23 cents at New Orleans. The farmers anywhere in the South hardly got more than 10 or 11 cents a pound. These low prices sent farmers into bankruptcy by the thousands and tens of thousands all over the South. Those bankruptcies injured every other business in the South and brought on a terrible depression in the South.

Then the South could not do business with the North and that brought on a depression in the whole country. If this price of 23 cents per pound had been fixed, then the farmers of Oklahoma and the whole South would have been prosperous and that would have made every other business in the United States prosperous. I do not need to argue to the Senate of the United States that if the business of the South had been prosperous it would have bought immensely more from the North and that would have added greatly to the prosperity of all the States of the North. Yet instead of following that successful policy of financing this surplus for agriculture as industry finances and controls

its surplus, we turned it over to a few speculators and gamblers. They were on the bear side of the market and the bull side of the market, and they broke the market down and broke the world market down. They brought on this terrible disaster to agriculture and now later to our whole country.

Mr. President, I would like to see the Farm Board have authority to do about all these agricultural surpluses everything that we did with wheat and to have enough money to handle it all in that way. It is said, "You will cause an overproduction and that will be worse in the end than if you had not protected the surpluses." A scientific survey of production in the United States shows that since 1900 the per capita agricultural production of the country has been slowly declining. In other words, the population is growing faster than agricultural production and the surplus is gradually getting less instead of more. Perhaps in 25 or 30 years we will have no surplus, but 25 or 30 years is just a little too long to stay in bankruptcy.

ONLY TEMPORARY REMEDY

Mr. President, I regard this as only a temporary remedy for the situation. The support of the Farm Board by the Treasury should only continue until a permanent financing system can be established. A moment later I shall discuss what I regard as a permanent remedy.

PROHIBIT SPECULATIVE LOANS

For the defects in the Federal reserve banking system I have offered an amendment providing that member banks be prohibited from making speculative loans on the same terms that the Federal reserve bank itself is prohibited from rediscounting them. No one has ever shown me any reason why the big overhead bank, the Federal reserve bank itself, should be prohibited from rediscounting gambling loans, and yet the member banks be permitted to make them. That would stop that portion of speculation.

But an observer says that would drive all the business over into the State banks. I have anticipated that. I have offered an amendment requiring the State banks to follow the same rule or to be denied the use of the United States mails and privileges of interstate commerce. That would bring them all in under the same rule and would stop the use of our banking system to promote this great speculation in New York.

PERMANENT REMEDY

But there is a further and more permanent remedy that will wipe out this mass of alternative periods of speculation and depression that I want to discuss in conclusion. In order to illustrate that remedy I want to go back for a moment to Henry Ford. He wakened up about the same time the farmers did in the fall of 1920 and in the same way. He owed $75,000,000. The banks wanted that money just as they wanted the Iowa Congressman's money. That was not much for Ford, but when he looked around Cleveland, Detroit, New York, and Chicago, there was no money to be had. All the available credit of the country had been gathered in by the big financial crowd, who knew the situation or had been tipped off to it. Ford was about to be sued for $75,000,000, and Wall Street chuckled. At last they even had Ford where he would listen to them. Then they sent a man out to see him.

This story was told to me by his Iowa representative who was in the office when the man came in there. Mr. Ford asked about this loan, and the man said, "We have been giving it very serious consideration. At last we have formulated a plan so we can organize a syndicate and take care of it. But," he said, "before we do that we will have to appoint an auditor in your business so he can check through everything and see that everything is all right." Henry Ford did not want any Wall Street auditor in his business. He said, "When does the next train leave for New York?" The man said, "About 7 o'clock to-night." Ford said, "You can take that train back to New York," and that ended the interview.

Then Ford organized a little Wall Street of his own, and here is the way he operated it. He shipped his cars out to his dealers all over the United States. Anyone can ask a Ford dealer in his town anywhere and he will find that this is true. These boys had not ordered the cars, but that made no difference to Ford; he shipped them anyhow. Then he said to them, "Pay for them or get out of the Ford business." They did not want to get out because it was a good business. "If you have not got a Ford, you ought to have one," you know. They went to their local banks crying about it and said, "We have to have some money to pay for these cars or we lose our agency." Then the bankers took pity on them. They still had some of the farmers' money, some of the laboring people's money, and some other folks' money that they had not yet sent to New York. So they loaned it to the boys, and in a few days Henry Ford had his $75,000,000 and a good many million more.

That took $75,000,000 away from the financing of the farmers and holding back their crops and preventing them from being dumped into the market and breaking the markets down, just as truly as did the loans to Armour, and Swift, and Sinclair, and all the other big fellows. It did not help the farmer, but of course it saved the jitney.

Mr. President, I am willing to forgive Henry Ford for that autocratic act—and it was an autocratic act—perhaps there never was a more autocratic act in the history of American business; but I will forgive him if we can get the farmers of the country, the laboring people, yes, the little merchants and the manufacturers, too, and the little banks—to profit by Henry Ford's experience. If I can get these people to learn the same lesson out of this transaction that Henry Ford learned, it will be worth the price. Look through the statement of his business now and you will not find at the bottom that item of "bills payable, $75,000,000." It does not read that way now. It reads now, "Cash on hand, $400,000,000," or something of that kind. Henry Ford has decided to become his own banker. Never again will he risk the life of his business by taking out a great loan in a banking system controlled down in New York.

I want to say now to the farmers, to the independent merchants, which are being destroyed by chain-store organizations financed by this same flow of credit back to New York, to the manufacturers—yes, to the banks, 6,000 of them who have been destroyed by this chain-bank operation in the United States—that there is only one way to meet this situation and that is to do exactly as Henry Ford has done. You must become your own banker in a cooperative banking system with cooperative reserve bank, and all under your own control. You ask why we can not have that under our laws now. The big financial interests of this country have looked after the cooperative laws in the United States and kept out cooperative banking. We have cooperative laws in every State. We have a start in the national enactment. But, Mr. President, every time cooperative banking has been kept out. The only thing that has ever been permitted is a little cooperative credit union or mutual bank which must be organized separately and flounder along by itself without any reserve or any associated support. The financial crowd have looked after that item in our banking laws and our cooperative laws.

Nobody in the United States will argue against cooperation now. The farmers have all been converted to it long ago. Labor has long known it, and now the independent merchants are finding it the only remedy by which they can battle the chain-store monopoly. The independent manufacturer will soon find out the same thing. We have appropriated $500,000,000 to the Federal Farm Board to organize cooperatives, but too many decoy ducks of the Eugene Meyer type have assumed to lead the organization of those cooperatives. The intermediate credit bank is really a cooperative reserve bank or ought to be, but it has been frozen up and made useless practically under the management of Eugene Meyer.

FOUNDATION COOPERATIVE BANKING

Mr. President, will the cooperative banking system serve as a foundation for a permanent remedy for the evils which I have pointed out? I think it will; I am sure it will. I made some investigation of this subject in other countries in 1923. The first man I called upon was the American

ambassador to France, Myron T. Herrick. I met him at his office in Paris and told him my mission. If there was any ambassadorial reserve or dignity it disappeared at once. He sat down and he said to me, "You are on the greatest mission in the world." Then he pushed a button, a boy came in, and he said, "Bring me a copy of my book, Rural Credits. The boy was back with this book [indicating] in a little while. Mr. Herrick autographed and handed it to me, as I hold it here, and added the date, May 14, 1923. He then said to me:

"I want you to read this book as you go around the countries of Europe. You will find that the United States is the only civilized country in the world that by law is prohibiting its people from organizing their own savings in a cooperative banking system with a cooperative reserve bank and all under their own control."

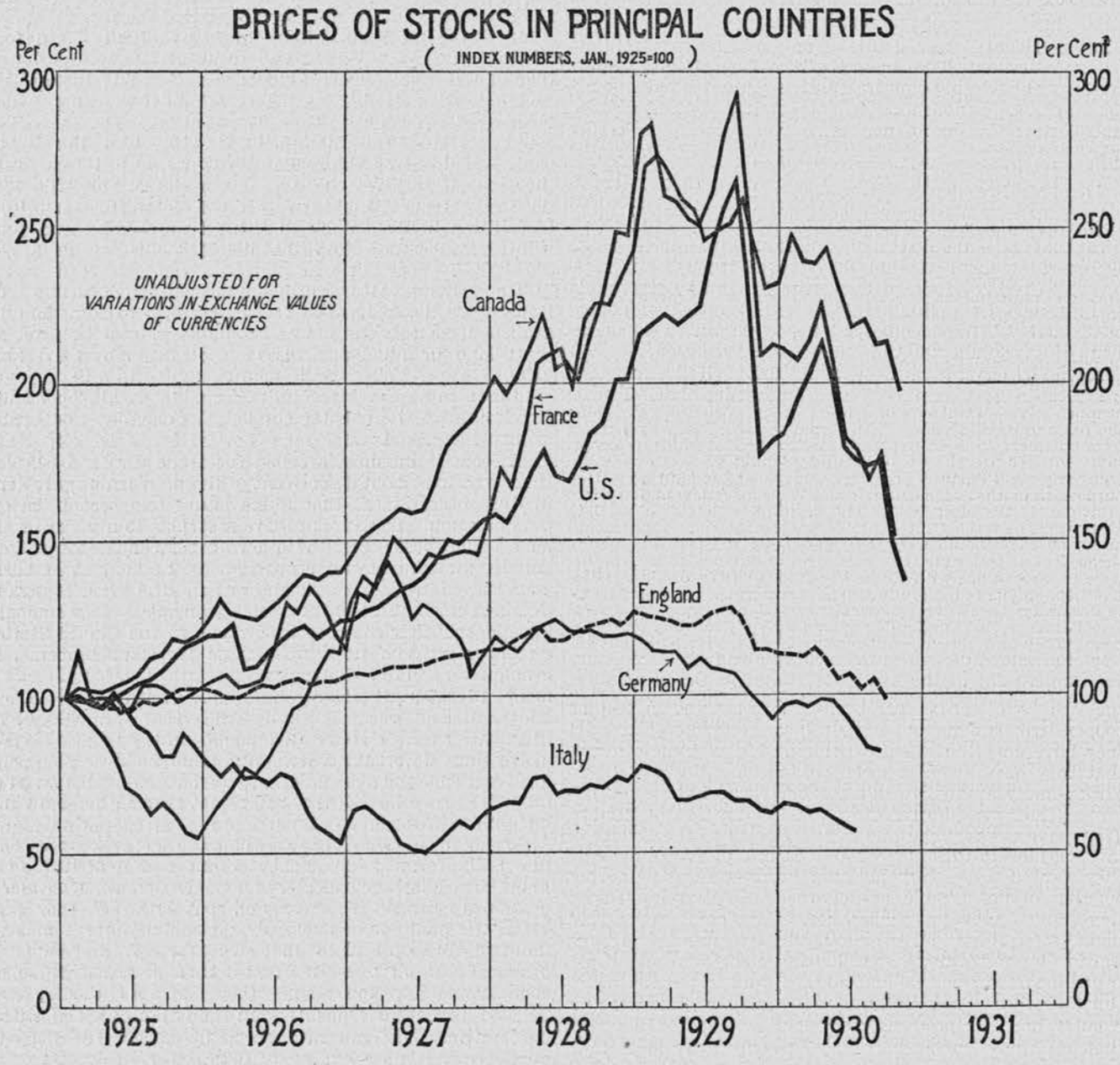
Mr. President, I have just read another work upon the subject of banking by Mr. Paul M. Warburg. It consists of two volumes. He describes how he created, formulated, and evolved the Federal reserve system. When one gets through reading those volumes he has no doubt left, if he believes them, that Paul M. Warburg is the great founder of this great system. But regardless of the validity of his claims, the principal argument upon which he sustains the Federal reserve system is that there are central banking systems in Europe and those banks had stabilized business better than had our banking systems in the United States.

Mr. President, the second chart I have had drawn and had placed on the wall to the left shows something of the stabilization of business. Through the center of that chart runs the English line marked "England."

I ask that this second chart be inserted in the RECORD by electrotype at this point in my address.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

The chart is as follows:



Mr. BROOKHART. It will be noticed that from 1925 up to date there has been very little variation in stock values; they run along even, they are stable, as it were. Some of the other countries have a variation much like our own. One can see the great variation, fluctuation, and instability of values in the United States compared to those English values.

But, Mr. President, did Mr. Warburg in his work give the reason for that stability? No; not one word of it is found there. The only reference he makes is to the central banking systems of the various countries.

However, there is another banking system, Mr. President, in those countries, and that is the system that Mr. Herrick

mentioned to me—the great cooperative system. I want now to quote briefly some of his statements about the cooperative credit system as it relates to the farmers of the United States. On page 8 of this book he says:

Furthermore, the shortest period needed for agriculture is too long for the banks, and so the 90-day paper of the merchant gets the preference over the 6-month or 1-year paper of the farmer. As a result, the major portion of the farmer's credit is not bankable under the present system, and only a comparatively small amount of their paper reaches the outside world. Consequently, when they wish to realize upon their credit to its fullest extent the farmers must pay a premium for the risk incurred, besides the highest interest charged in their immediate vicinity. A new system to be added to the old is necessary to rectify this trouble also, in spite of the powers recently granted to national banks by the Federal reserve act of 1913.

On page 9 he says:

Agricultural wealth and production in the United States are greater than in any other country. The figures are stupendous. In 1910 the farm property was valued at $40,991,449,090, of which $28,475,674,169 was in land. If this capital were mobilized, the credit needs of farmers could be supplied for all time to come. The annual returns were $8,417,000,000. This is more than sufficient to finance a banking system for the exclusive use of the farmers. Mobilization can be accomplished, however, only through institutions capable of lengthening the period of loans, allowing repayment by amortization, and able to make heavy and constant sales of debentures issued against the mortgages taken. As regards short-term credit, the best banking system ever devised for enabling farmers to utilize their own funds and revenues for their own purposes is a cooperative system.

Then, Mr. President, on page 479 Mr. Herrick concludes:

There are no Federal or State laws in the United States under which the farmers might organize themselves into systems with credit societies as the basic units. The laws of Massachusetts on credit unions of 1909, of Texas on rural credit unions of 1913, of Wisconsin on cooperative credit associations of 1913, and of New York on credit unions as finally enacted in 1914, provide for the organization of associations intended for thrift and small credit for feeble folk. Texas limits the loans to $200 at not over 6 per cent for productive purposes, thus absolutely preventing large undertakings, while the restrictive measures of all four laws render them useless for rural banking and credit systems. All require the members to be natural persons; none allows associational members. This alone would prevent credit societies from being the basic units of a system. All forbid the acceptance of deposits from outsiders, thus closing the greatest source of funds for operation. All require share capital and prohibit the societies from doing any other business and from using their funds for any other purpose than that of making loans. This rejection of Raiffeisen principles is the most serious and regrettable defect in the law. The farmers of the United States are capable and independent men, and they should have the right under the laws to organize themselves as best suits their own ideas or circumstances, whether it be in associations with shares or without shares, or with collective liability limited or unlimited. Moreover, they should be able to decide for themselves whether they will have syndicated local associations or just one Raiffeisen credit society for each neighborhood. They have no choice under any of these laws, and thus the play of private initiative and freedom of action is blocked.

It has always been a mystery to me, Mr. President, how the Wall Street crowd has been able to succeed in keeping cooperative banking out of our laws everywhere, and yet they have done that identical thing. I have some evidence that they have given it specific attention. I went to New York some years ago to talk to about 200 of those big fellows. That was shortly after my election to the Senate. They have a way when one is first elected to the Senate of inviting him up to New York to look him over. In my case they wanted to see how long my horns were and find out whether or not I could be dehorned. So they invited me there, and I spoke on cooperation in a general way. That night, after it was all over and we were standing around waiting for my train, a slick looking chap came up to me, called me off to one side and said, "I want to tell you something. I think Paul Warburg is the greatest financier this country has ever produced and what I want to tell you is that he believes much more in your cooperative ideas than you think he does, and if you want to consult anybody about the big business of cooperation he is the man to consult because he believes in you and you can rely on him." Then he slipped away. Ten minutes later I was steered against Paul Warburg himself. He said to me, "You are absolutely right on this cooperative proposition. I want to let you know that the big bankers are with you. I want to let you know that now, so that you will not start anything on cooperative banking and turn them against you." I said, "Mr. Warburg, the heaviest burden the farmers have to carry is, first, the accumulation of all the surplus credit of the country down here in New York for speculative purposes, increasing the interest rate to the farmers; and, second, the deflation policy of the Federal reserve system which ruined them in 1920." And then I said, "I have already prepared and tomorrow I am going to offer an amendment to the Lenroot bill" (that was the intermediate credit act then pending) "to authorize the establishment of cooperative national banks." Then he faded away, and I have not heard from him since; he had no more business with me. He was seeking then to stop even the inauguration of discussion and agitation for a cooperative banking system. Yet this is the man who claims to be the builder of the Federal reserve system of the United States, and this is the man who in a book describing the stability of European business neglects to say anything about the great cooperative systems that have actually stabilized business in those countries.

COOPERATIVE PRINCIPLES

Mr. President, what is this cooperation of which I speak? It is founded upon three simple principles: The first one is one man has one vote in the cooperative enterprise; capital does not vote at all. It makes no difference how many shares one may have, he is one man with one vote, just like one man has one vote in the Government of the United States, and as now one woman has one vote in the Government of the United States. The earliest successful cooperative society that ever was organized was the first institution in the history of the world, so far as I know, that recognized in business affairs women as being on equal terms with men.

The second of those principles is that the earnings of capital are limited; capital is given a fixed and definite wage. I want to ask why should not capital be given a fixed and definite wage, as men are given a fixed and definite wage? Why should men be limited to a fixed wage, and then capital be turned loose to gather in all the wealth production of the country through organization and credit control?

The third principle is called the trade dividend. Under that principle about 25 per cent of the net earnings are kept in the enterprise, so that it may grow and become larger and be sound and safe and have a surplus to meet losses, if any should occur, and the other 75 per cent is distributed among the members in proportion to the amount of business they transact with the enterprise. The whole system is founded upon those three simple principles. If we should amend the articles of incorporation of the United States Steel Corporation itself with those three amendments, it would turn it into a cooperative.

Mr. President, this system started with 28 flannel weavers on the 21st of December, 1844. Twice on the anniversary of that date I have inserted their names in the RECORD. They had a little store. For a year and a half they saved their pennies until they got a pound each, $5 each; and with that $140 of capital they opened this little store at Toad Lane, in the little town of Rochdale. They had four articles of food, and they were open two nights a week, and they were a joke and the butt of ridicule; but they persisted, and finally, upon those principles, they succeeded. Charles Howarth invented the third of those principles, and that is the one that gave them the final success. Cooperation on the other two had failed, because they sold their goods for cost, and not at a reasonable profit to be distributed back in trade dividends. They would have losses when they sold for cost, and then had to assess their membership, and that made dissatisfaction, and the organization broke up. The trade dividend remedied that, however, and this store succeeded.

GROWTH OF COOPERATION

After it succeeded, other stores were organized—finally, several hundred of them. Then they said, "We would do better if we had our own wholesale"; and they met together in convention and figured out the amount of capital they needed to start a wholesale. Stores only subscribed for all that capital. No individual took any of it. Then they started the wholesale upon the same three prin-

ciples. Each store had a number of votes equal to its membership, carrying the 1-man 1-vote idea through to the top; and the earnings of capital were limited. Five per cent was the maximum they ever allowed. Then the trade divided went back to the stores, keeping 25 per cent of the net in the wholesale, so that it would grow. Each store got the rest of the net earnings in proportion to the amount of business it transacted with the wholesale. Then these stores had that profit to distribute on down to their members in proportion to the business each member had done with the store, thus tying the membership into the system from the very top to the bottom; and that wholesale succeeded at once.

I want to say to the independent retail merchants of the United States that I have just described the only organization with which they will ever successfully combat the chain-store monopoly; and we are doing it out in Iowa now, where 700 stores have organized a cooperative wholesale grocery.

Mr. President, after a time these English cooperatives said they would do better if they had their own soap factory; so they organized a factory on the same three principles. When I was there in 1923 they had 158 of those factories, doing nearly everything in human civilization, and doing business all around the world.

They got a couple of thousand of those stores, and they noticed that a great many of them failed, as our independent stores fail in this country. Then they said, "We would do better if we had our own cooperative banking system"; and now they tell you that that is the foundation of cooperative success, and ought to have been organized the very first thing. They had to learn that by bitter experience, but they can tell us of that now. So they put a little deposit bank in each of the stores, as a sort of department in the store, and in the wholesale they established the reserve bank.

I have here their yearbook for 1927. It was published in 1929, but it covers the business of 1927. The frontispiece is a picture of the new cooperative reserve bank building, erected since I was there. When I was there, this bank had a turnover of two and one-half billion dollars. When this book was published, in 1929 for 1927, it had over three and one-half billions. It has more than four billions to-day. It is one of the big banks of the world; and it is the safest, soundest, most successful bank in the world to-day. It is safe and sound because in the cooperative system no loan is ever made to anybody, anywhere, at any time, for speculative purposes. Loans are made for productive and necessary purposes only. That rule is followed; and that is the rule, together with the limit to the earnings of capital, that stabilizes the business of Great Britain.

This great system has grown to these proportions and mostly since the World War. They have 11 flour mills there that grind 35 per cent of all the wheat used in England, Ireland, Scotland, and Wales. Here is a picture of the great mill at Manchester which I myself saw in operation; and there are 10 other mills of that type. They are the biggest buyers of wheat in the United States or in Canada; and when they buy wheat in our country they pay no more attention to Paul Warburg or the Bank of England than if they were not on earth, because they have the deposits in the vaults of their own bank against which they check for those payments. They are absolutely an independent system, and upon that was founded their cooperative success.

Mr. President, former Senator Pepper, once a distinguished Member of this body, said that 92 per cent of American business ultimately fails. Former Senator Harreld, an expert in bankruptcy matters, put in the RECORD the statement that 96 per cent of American business ultimately fails. The proportion of failures has been estimated as high as 97 per cent, and I never saw an estimate lower than 80 per cent.

BUSINESS FAILURES

Think of a system of business in which there are 92 per cent of failures before it gets off its own doorstep. On the other hand, here is this great English system with 6,000 of those stores now, with a wholesale at Newcastle-on-the-Tyne as big as Marshall Field, with one at Glasgow bigger, and one at Manchester three and a half times as big as that at Glasgow, with all of this vast banking system, with all of these factories, growing in percentage several times faster than the commercial or competitive business of Great Britain. This great system is 99½ per cent successful, and is doing business upon half the margin of American business, because this system has taken the extortionate profits out of capital and has stopped speculation entirely. It has now grown so great and so powerful that it has affected all business in Great Britain; and that is why this line runs so straight through the chart.

Mr. President, that was not discovered and not mentioned by Mr. Warburg, who wanted nothing along the line of cooperative banking started in the United States. The proof of that is not found in this chart alone. The chart that I have last inserted in the RECORD was made for me by the Federal Reserve Board. It was brought up to last December by the Federal Reserve Board itself.

COOPERATION STABILIZES

I have here, Mr. President, the report of the president of the New York Stock Exchange from May 1, 1927, to May 1, 1928. On page 12 of this report he has a chart of the same stock values; and here is this English line running through it, almost as straight as if drawn by a ruler. There is one other line running almost as straight as the English line, that is the Holland line—another cooperative country. The same thing would be true in Germany, with its Raiffeisen and its Schultze Delitz cooperative credit systems, were it not for the terrible slaughter of the war to business as well as to people. Every country of Europe where Mr. Warburg tells you that business has been stabilized by these central banking systems has this cooperative banking system along beside it. If we can get that established in the United States, and organized to the extent that it is in those countries, it will take the gambling out of Wall Street. It will end this constant cycle of speculation, followed by this terrible depression each time. Never again will we have eight major depressions in 50 years. There will be no occasion for them. Why, England was hit a hundred times harder by the war than the United States. There is more reason, a hundred times over, for instability of business in that country than in ours, so far as general world conditions are concerned; but a better system, a cooperative system, against which no man can argue, is the cause of that stability.

One of the reasons I put in the record why I opposed Mr. Eugene Meyer was that as I investigated this cooperative system around Europe he followed me up—it is in the record—and he called on me twice, both in London and in Paris, and he told me that we did not need the cooperative system in the United States. When I asked him for the reason for that, he said, "We have the best basis of credit. These are consumers' cooperatives over here. The farmers of the United States are producers, and they have the basis of credit." I asked him, "Why should not a producer have control of his credit system, the same as a consumer?" Then I called his attention to the fact that they already then had 158 big factories, producing nearly everything in civilization, which were financed by this cooperative system. In Denmark most of that country is agricultural. Its cooperative organizations, founded on exactly the same principles as the Rochdale system, are for the farmers of Denmark. It was a farmer in my own State who helped organize, as one of the committee of seven, the farmers of Denmark. He recently was the State organizer of the Farm Bureau Federation in Iowa. We call him Uncle Peder Pedersen. When I was in London I visited the farm cooperatives there, and the manager told me he then had a committee in Denmark studying cooperation, to bring it back to England. Then I told him how Uncle Peder Pedersen, of my State, 40 years before had gone to Rochdale, in England, from Denmark to study cooperation there and take it back to the farmers of Denmark. They had to do it in secret, because the King was opposed to them, and they would have been put in jail if it had been known; but they succeeded, and Den-

mark is perhaps the best-organized cooperative country in all the world to-day, with an almost perfect cooperative banking system upon which it rests.

Mr. President, the way we are driving in this country, with all our business turned into a gambling system, I can not believe that there is any remedy in sight for the situation if we go ahead upon the lines we have followed in the past. I can only see 50 years more of speculation and depression. That is un-American. That is unsound. We can get away from that, but we can get away from it only by putting in charge of this system somebody who will see it on different lines. There is no man in the country who has done more to develop the evils of this system, perhaps, than Eugene Meyer himself. So far as I am concerned, I can not consent to his confirmation for that reason.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Keyes	Robinson, Ind.
Barkley	Fletcher	King	Sheppard
Bingham	Frazier	La Follette	Shipstead
Black	George	McGill	Shortridge
Blaine	Gillett	McKellar	Smith
Blease	Glass	McMaster	Smoot
Borah	Glenn	McNary	Steck
Bratton	Goff	Metcalf	Steiwer
Brock	Goldsborough	Morrison	Stephens
Brookhart	Gould	Morrow	Swanson
Broussard	Hale	Moses	Thomas, Idaho
Bulkley	Harris	Norbeck	Thomas, Okla.
Capper	Harrison	Norris	Townsend
Caraway	Hastings	Nye	Trammell
Carey	Hatfield	Oddie	Tydings
Connally	Hayden	Partridge	Vandenberg
Copeland	Hebert	Patterson	Wagner
Couzens	Heflin	Phipps	Walcott
Cutting	Howell	Pine	Walsh, Mass.
Dale	Johnson	Pittman	Walsh, Mont.
Davis	Jones	Ransdell	Waterman
Deneen	Kean	Reed	Watson
Dill	Kendrick	Robinson, Ark.	Wheeler

Mr. SHEPPARD. I wish to announce that the senior Senator from Missouri [Mr. HAWES] is detained from the Senate by illness. I ask that this announcement may stand for the day.

Mr. BARKLEY. My colleague [Mr. WILLIAMSON] is unavoidably detained on necessary business.

The VICE PRESIDENT. Ninety-two Senators have answered to their names. A quorum is present.

Mr. SMOOT. Mr. President, from the Committee on Finance I desire to report favorably a House bill.

Mr. LA FOLLETTE. I object to the bill being received out of order.

The VICE PRESIDENT. The report can not be received at this time. The Senate is in executive session.

Mr. FRAZIER. Mr. President, I want to say a few words on the pending nomination of Eugene Meyer to be a member of the Federal Reserve Board.

When the Federal reserve law was written and passed by Congress the intentions were undoubtedly good. I recall reading reports to the effect that some of the big bankers were opposed to the law at that time. But after the Federal reserve law was enacted it seemed that immediately the large banking institutions and the big bankers of the country got control of the system and have run it ever since for their benefit and not for the benefit of the people.

The junior Senator from Iowa [Mr. BROOKHART] has gone into the situation very fully, especially as it affects the agricultural interests. I want to repeat, however, that in my opinion there is no question but that the action of the Federal Reserve Board in bringing about the deflation in 1920 started the so-called depression, or hard times, or panic, or whatever one wants to term it. The farmers have been hit harder than any other group of people. They have been put out of business by the millions all over the Nation. They have been forced into bankruptcy, they have been foreclosed upon, they have had their homes taken away from them, homes they had worked a lifetime to secure. They have been the ones who have suffered the most, and they are still suffering more than any other group of people on account of this so-called depression, which was started back in 1920 by the action of the Federal Reserve Board.

The Federal reserve law turned the credit of the Nation over to the Federal reserve banking system, and gradually the Federal reserve banking system has come under the control of Wall Street banking interests. The appointment of Eugene Meyer as a member of the board now will only promote that control and make it stronger than it has been in the past.

Eugene Meyer, of course, is recognized as a good banker and as well qualified for this position, I suppose. Yet he is a Wall Street banker. He has made his money in Wall Street. He has helped to manipulate the stock market there, undoubtedly, and knows the Wall Street game from start to finish. If the Wall Street interests are going to control the Federal reserve banking system and the credit of this Nation, I do not think a better appointment could be made than the appointment of Eugene Meyer as a member of the Federal Reserve Board.

I do think, however, that the whole system is a detriment to the common people of the Nation and that drastic changes should be made. I am opposed to Mr. Meyer's confirmation because in my estimation he is not in sympathy with the common people, not in sympathy with the farmers or other workers of this Nation, but has the viewpoint of the big banker, the Wall Street banker especially, and that it will be expected that his attitude on that board will be more in favor of the big bankers, and especially of the Wall Street type, than of anyone else.

Mr. Meyer was commissioner of the Federal Farm Loan Board for a time. While in that position I think he assumed much the same attitude that other members of the bureau have assumed, but I am frank to say that, in my opinion, his attitude was not friendly to the farmers during the time he was with the Federal Farm Loan Board. In fact, in my opinion, we have never had a Federal Farm Loan Board that has been friendly to the farmers.

They give the excuse, of course, that under the existing legislation they are compelled to depend upon the regular bond buyers for the money they lend to the farmers through the Federal farm land-bank system or through the intermediate-credit bank system, and that is quite true. They say they are compelled to pay their interest semiannually to the bonding companies which buy the debentures or bonds, furnishing the money, and that those bond companies insist that the Farm Loan Board shall conduct their business on a business basis and demand the interest from the farmers every six months. Of course, there is something to that. Yet it seems to me that if the Federal farm-loan bank is ever to function for the benefit of the farmers, the law should be changed and a provision made whereby the Treasury of the United States should buy the bonds to furnish the money, or at least there should be some other provision for the raising of the money with which to make loans to the farmers under the Federal land-bank system and the intermediate-credit bank system. But, of course, men of the type of Mr. Meyer are opposed to that kind of change, and I can see no hope, as long as men of that type are in control of the Federal reserve system and the land-bank system, of the farmers and the common people of the Nation ever getting anything like a square deal.

Much might be said about Mr. Meyer's connection with some of the big financial interests of the Wall Street group. Some of those interests are controlled by foreign capital, at least very largely so. Of course as I see it, Mr. Meyer belongs to the so-called international group in New York City. While there may be some excuse for international banks, yet I can see no benefit to the small bankers of the country or to the people in general through an international banking system. We have had some examples, since I have been in the Senate, in the so-called settlements of the war debts of some of the allied nations. I have always thought that those matters were put across at the request and with the support of the international bankers.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. FRAZIER. Certainly.

Mr. SMOOT. I hope the Senator will revise his ideas, because that is not the case.

Mr. FRAZIER. I stated that had been my opinion.

Mr. SMOOT. I hope the Senator will revise his opinion.

Mr. FRAZIER. I will have to have a little more evidence than the mere request of the Senator before I can revise that opinion. Our bankers have loaned a great deal of money to those foreign nations and are interested in getting their loans repaid. The more that can be discounted from the Government loans the better are the chances of the international bankers to collect their debts from those foreign countries. I repeat that it is my opinion that the great Wall Street bankers were the men who were back of the reductions which were granted by the Senate in the matter of the loans to the allied nations.

Mr. President, I realize that it is useless to present any discussion against the confirmation of Mr. Meyer. While there might be a great deal said, especially from the standpoint of the agricultural interests, and there is a great deal to be said upon the banking situation and upon the control of that situation by the Federal reserve system. But it is practically useless at this time to attempt to discuss it. Inasmuch as the time is fixed to vote upon the confirmation, I personally see but little benefit to be gained by going into the situation any further.

I want to repeat that in my opinion the action that will be taken in confirming the nomination of Mr. Eugene Meyer to be a member of the Federal Reserve Board means that the Wall Street interests will absolutely control the banking situation in the United States. While I suppose we have to submit to it at the present time, yet I want to go on record right now as opposing that kind of control. I believe the fight will be kept up until the system is changed.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from California?

Mr. FRAZIER. I yield.

Mr. SHORTRIDGE. I understand that the Senator admits that Mr. Meyer is an honest, honorable man?

Mr. FRAZIER. I did not say anything about his honesty or honor. I said he is a good banker.

Mr. SHORTRIDGE. Will it not be admitted or conceded that he is a man of character, of honorable character?

Mr. FRAZIER. So far as I am concerned I have no charges to make against Mr. Meyer's honesty or his honor.

Mr. SHORTRIDGE. May I assume that the Senator admits that Mr. Meyer is a competent man, familiar with the duties of the office to which he has been nominated?

Mr. FRAZIER. He is undoubtedly familiar with the duties and, as I said, a very competent Wall Street banker.

Mr. SHORTRIDGE. May we not then assume, he being an honest man, a competent man, familiar with the duties of the office in question, that he would perform his duty honorably; that he would not be unduly swayed or influenced; that he would not consciously or, indeed, unconsciously, violate his duty under the law? My view always is to inquire, first, is the nominee an honest man, is he an honorable man? Second, is he a competent man? If those two questions are answered in the affirmative, then I think I am justified in assuming, and voting accordingly, that he would perform his duty as we of the legislative branch of the Government have declared that duty to be. That is my philosophy. That is my view. If these assumptions are correct, namely, that Mr. Meyer is an honorable man and a capable man, and will perform his duty under the law, why is he not the ideal man for the position?

Mr. FRAZIER. The definition of "honesty" and "honor" depends largely upon the individual. It is a matter of opinion. There are a number of Senators here who have argued at different times that men whom I would term gamblers in Wall Street and in the Wall Street market are honorable men. I have never looked upon a gambler in the stock and bond market or in the cotton or grain market as being honorable. Of course, it is lawful and all that, but from my standpoint it is simply gambling and much worse than it is to gamble with dice or a deck of cards.

SECOND DEFICIENCY APPROPRIATIONS

Mr. JONES. Mr. President, if there is no one else who desires to proceed with discussion in regard to the Meyer nomination I move, as in legislative session, that the Senate proceed to the consideration of the second deficiency appropriation bill.

The VICE PRESIDENT. Is there further debate on the Meyer nomination?

Mr. BLAINE. Mr. President, if we are going to take up an appropriation bill may I suggest that it might be well to make the point of no quorum?

Mr. JONES. That is all right, although we had a quorum call just a few moments ago.

Mr. BLAINE. That is true, but the quorum call was not known to be for this purpose.

Mr. JONES. Very well.

Mr. BLAINE. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Keyes	Robinson, Ind.
Barkley	Fletcher	King	Sheppard
Bingham	Frazier	La Follette	Shipstead
Black	George	McGill	Shortridge
Blaine	Gillett	McKellar	Smith
Blease	Glass	McMaster	Smoot
Borah	Glenn	McNary	Steck
Bratton	Goff	Metcalf	Steiwer
Brock	Goldsborough	Morrison	Stephens
Brookhart	Gould	Morrow	Swanson
Broussard	Hale	Moses	Thomas, Idaho
Bulkley	Harris	Norbeck	Thomas, Okla.
Capper	Harrison	Norris	Townsend
Caraway	Hastings	Nye	Trammell
Carey	Hatfield	Oddie	Tydings
Connally	Hayden	Partridge	Vandenberg
Copeland	Hebert	Patterson	Wagner
Couzens	Heflin	Phipps	Walcott
Cutting	Howell	Pine	Walsh, Mass.
Dale	Johnson	Pittman	Walsh, Mont.
Davis	Jones	Ransdell	Waterman
Deneen	Kean	Reed	Watson
Dill	Kendrick	Robinson, Ark.	Wheeler

Mr. BARKLEY. I wish to announce that my colleague the junior Senator from Kentucky [Mr. WILLIAMSON] is unavoidably detained from the Senate.

The VICE PRESIDENT. Ninety-two Senators have answered to their names. A quorum is present.

Mr. JONES. Mr. President, if no Senator desires to speak on the pending nomination, I ask unanimous consent that the Senate resume legislative business and proceed to the consideration of House bill 17163, being the second deficiency appropriation bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. JONES. I ask unanimous consent that the formal reading of the bill may be dispensed with and that it may be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The legislative clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head "Legislative establishment," on page 2, after line 2, to insert:

SENATE

To pay William A. Folger for extra and expert services rendered the Committee on Pensions as assistant clerk to said committee by detail from the Bureau of Pensions, fiscal year 1931, $600.

The amendment was agreed to.

The next amendment was, on page 2, after line 7, to insert:

For miscellaneous items, exclusive of labor, fiscal year 1931, $50,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 9, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1931, $50,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 15, to insert:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, fiscal year 1931, $2,500.

The amendment was agreed to.

The next amendment was, under the subhead "Architect of the Capitol," on page 4, after line 2, to insert:

Fire protection, Senate wing of the Capitol and Senate Office Building: To enable the Architect of the Capitol to remedy fire hazards found by a survey under Senate Resolution 364, Seventy-first Congress, third session, and for all labor and materials, personal and other services, repairs and alterations, and every item connected therewith, fiscal years 1931 and 1932, $100,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 14, to insert:

FEDERAL POWER COMMISSION

Any unexpended balances on June 30, 1931, of the appropriations for expenses of the Federal Power Commission, provided by the independent offices act, 1931, approved April 19, 1930, and the second deficiency act, fiscal year 1930, approved July 3, 1930, are continued and made available until June 30, 1932, and the limitation for personal services in the District of Columbia, for the fiscal year 1932, contained in the independent offices act, fiscal year 1932, is hereby increased to $265,000.

The amendment was agreed to.

The next amendment was, under the heading "Veterans' Administration," on page 12, after line 3, to insert:

Adjusted-service certificate fund: The amount appropriated by the independent offices appropriation act, 1932, under the heading "Adjusted-service certificate fund" shall be available July 1, 1931.

The amendment was agreed to.

The next amendment was, on page 16, line 9, after the figures "$420," to insert a semicolon and "for temporary personal services, fiscal year 1932, $4,500; in all, $4,920," so as to read:

Public employment service: For an additional amount for personal services and miscellaneous and contingent expenses required for maintaining a public employment service for the District of Columbia, fiscal year 1931, $420; for temporary personal services, fiscal year 1932, $4,500; in all, $4,920.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Plant Industry," on page 24, line 3, after the figures "1932," to strike out "$50,000" and insert "$75,000," so as to read:

Blister-rust control: For an additional amount for the eradication or control of the white-pine blister rust, including the same objects specified under this head in the agricultural appropriation act for the fiscal year 1931, fiscal years 1931 and 1932, $75,000.

The amendment was agreed to.

The next amendment was, under the subhead "Forest Service," on page 24, line 10, after the figures "1932," to strike out "$150,000" and insert "$200,000," so as to read:

Protection and administration, national forests: For an additional amount for maintenance, improvement, protection, and general administration of the national forests, including the same objects specified under this head in the agricultural appropriation act for the fiscal year 1931, fiscal years 1931 and 1932, $200,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 18, to insert:

MISCELLANEOUS

For carrying out the provisions of the act entitled "An act to authorize the construction on Government Island, Alameda, Calif., of buildings required by the Bureau of Public Roads and Forest Service of the Department of Agriculture and the Coast Guard of the Treasury Department," approved February 20, 1931, fiscal years 1931 and 1932, $800,000: *Provided*, That no part of the funds herein appropriated shall be expended until the United States has accepted title to land on Government Island, Alameda, Calif., conveyed under authority of joint resolution of July 3, 1930 (46 Stat. 1018).

The amendment was agreed to.

The next amendment was, under the heading "Department of Commerce," at the top of page 28, to insert:

FEDERAL EMPLOYMENT STABILIZATION BOARD

Salaries and expenses: To enable the Secretary of Commerce to carry out the provisions of the employment stabilization act of 1931, approved February 10, 1931, including personal services in the District of Columbia and elsewhere, traveling expenses, purchase of equipment, furniture, stationery, and office supplies, printing and binding, repairs to equipment, law books, books of reference, and other necessary publications, and to procure by contract or otherwise any information or data concerning construction which may be considered pertinent, and all other incidental expenses not included in the foregoing, fiscal years 1931 and 1932, $90,000, of which amount not to exceed $70,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Foreign and Domestic Commerce," on page 28, after line 21, to insert:

District and cooperative office service: For an additional amount for district and cooperative office service, including the same objects specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1931, fiscal years 1931 and 1932, $15,000.

The amendment was agreed to.

The next amendment was, at the top of page 29, to insert:

BUREAU OF STANDARDS

Facilities for radio research investigations: For carrying out the provisions of the act entitled "An act to authorize the Secretary of Commerce to purchase land and to construct buildings and facilities suitable for radio research investigations," approved February 20, 1931, fiscal years 1931 and 1932, $147,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Indian Affairs," on page 32, after line 14, to insert:

Uintah, White River, and Uncompahgre Bands of Ute Indians: To carry out the provisions of the act entitled "An act authorizing an appropriation for payment to the Uintah, White River, and Uncompahgre Bands of Ute Indians in the State of Utah for certain lands, and for other purposes," approved February 13, 1931, fiscal years 1931 and 1932, $1,217,221.25.

The amendment was agreed to.

The next amendment was, on page 33, after line 3, to insert:

Additional land for Papago Reservation, Ariz.: For the acquisition of certain privately owned lands, improvements, and equipment for the use of the Papago Indians, Arizona, in accordance with the act of February 21, 1931, fiscal years 1931 and 1932, $165,000, together with the unexpended balance of the appropriation of $9,500 contained in the Interior Department appropriation act for the fiscal year 1929, for the purchase of land as an addition to the agency reserve of the Papago Indian Reservation, Ariz.

The amendment was agreed to.

The next amendment was, on page 37, line 22, after the word "Congress," to insert "fiscal years 1931 and 1932," so as to read:

Frazer, Mont., school district No. 2: For cooperation with school district No. 2, Frazer, Mont., in construction of a public high-school building at that place as authorized by public law, 652, Seventy-first Congress, fiscal years 1931 and 1932, $25,000.

The amendment was agreed to.

The next amendment was, on page 38, line 2, after the word "Congress," to insert "fiscal years 1931 and 1932," so as to read:

Poplar, Mont., school district No. 9: For cooperation with school district No. 9, Poplar, Mont., in extension and betterment of the public high-school building at that place as authorized by public law, 657, Seventy-first Congress, fiscal years 1931 and 1932, $50,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 12, to insert:

Support of Indians and administration of Indian property: For an additional amount for general support of Indians and administration of Indian property, including pay of employees, fiscal year 1932, $75,000.

Mr. KING. Mr. President, I should like an explanation of the amendment on page 39, beginning in line 13. I make

the request in view of the fact that the appropriation bill passed at the last session carried several million dollars in excess of preceding appropriation bills, and we have within a few days passed an appropriation bill carrying $28,000,000 for the next fiscal year, being double what the appropriations were seven or eight years ago.

Mr. JONES. An additional Budget estimate was sent down requesting the $75,000.

Mr. KING. I should like to know what that is for, and I should also like to know whether the Indians have to pay it——

Mr. JONES. I do not think so.

Mr. KING. Whether it is to be taken from the Indian tribal funds.

Mr. JONES. Here is the Budget estimate:

The purpose of this estimate is to carry into effect the act of February 21, 1931, authorizing an appropriation for the acquisition of certain privately owned lands in Arizona for the use and benefit of the Papago Indians as an addition to their reservation.

Apparently we have passed an act during the present month providing for the acquirement of these lands. This item is to carry out the provisions of that act.

Mr. KING. I have no objection.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Bureau of Reclamation," on page 40, after line 17, to insert:

Advances to the reclamation fund: To carry out the provisions of the act entitled "An act to authorize advances to the reclamation fund, and for other purposes," approved March —, 1931, $5,000,000.

The amendment was agreed to.

The next amendment was, at the top of page 41, to insert:

Secondary projects: For continuation of investigations of the Seminoe Dam and Reservoir and other possible storage sites and power development in connection with proposed and existing reservoirs on the North Platte River and its tributaries in Wyoming, fiscal years 1931 and 1932, $75,000.

The amendment was agreed to.

The next amendment was, on page 45, line 17, before the word "Hospital," to strike out "Freedman's" and insert "Freedmen's," so as to make the subhead read "Freedmen's Hospital."

The amendment was agreed to.

The next amendment was, on page 45, line 21, before the word "Hospital," strike out "Freedman's" and insert "Freedmen's," so as to read:

The appropriation of $155,000, contained in the Interior Department appropriation act for the fiscal year 1931, for a hospital addition for obstetrical patients at the Freedmen's Hospital, including necessary equipment and supervision of the work of construction of said building, shall continue available for the same purpose until June 30, 1932.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses, Department of Justice," on page 46, after line 9, to strike out:

For contingent expenses, Department of Justice, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal year 1931, and for the purchase of a motor-propelled passenger-carrying vehicle at a total cost of not to exceed $3,000, excluding the exchange allowance of any vehicle given in part payment therefor, fiscal year 1931, $3,000.

And in lieu thereof to insert:

For contingent expenses, Department of Justice, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal year 1931, and for the purchase of two motor-propelled passenger-carrying vehicles at a total cost of not to exceed $6,000, excluding the exchange allowance of any vehicle or vehicles given in part payment therefor, $6,000.

The amendment was agreed to.

The next amendment was, under the subhead "Judicial," on page 48, after line 14, to insert:

United States Court of Customs and Patent Appeals: For printing and binding for the United States Court of Customs and Patent Appeals, fiscal year 1931, $2,900.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Labor Statistics," on page 55, after line 5, to insert:

Salaries and expenses: For an additional amount for salaries and expenses, including the same objects and purposes specified under this head in the act making appropriations for the Department of Labor for the fiscal year 1932 and including not to exceed $105,000 for personal services in the District of Columbia, $140,000, of which $40,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead, "Public works, Bureau of Yards and Docks," on page 57, after line 8, to insert:

Navy yard, Charleston, S. C.: For improvement of shipbuilding ways, $150,000.

The amendment was agreed to.

The next amendment was, on page 60, after line 3, to insert:

ALTERATION TO NAVAL VESSELS

Toward the alterations and repairs required for the purpose of modernizing the U. S. S. *New Mexico*, *Mississippi*, and *Idaho*, as authorized by the act entitled "An act to authorize alterations and repairs to certain naval vessels," approved February 28, 1931, fiscal years 1931 and 1932, $10,000,000, of which approximately an equal amount shall be expended on each ship.

The amendment was agreed to.

The next amendment was, under the subhead "International obligations, commissions, etc.," on page 72, after line 20, to insert:

Fourth Pan American Commercial Conference: To enable the Pan American Union to meet the expenses of the Pan American Commercial Conference to be held in Washington, D. C., in 1931, as provided by the act approved February 20, 1931, fiscal years 1931 and 1932, $15,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 2, to insert:

International Technical Consulting Committee on Radio Communications: Not to exceed $290.58 of the appropriation for International Technical Consulting Committee on Radio Communication, made in Public Resolution No. 17, approved June 21, 1929, is hereby made available for the payment of expenses incurred for purposes of entertainment in connection with the meeting of such committee.

The amendment was agreed to.

The next amendment was, on page 73, after line 9, to insert:

Arbitration between the United States and Sweden of the claim of Rederiaktiebolaget Nordstjernan, a Swedish corporation: For the expenses of the arbitration under the special agreement between the United States and Sweden, signed December 17, 1930, of the claim of Rederiaktiebolaget Nordstjernan, a Swedish corporation, arising out of the alleged detention in the United States of two motorships belonging to the corporation, including the share of the United States in the joint expenses of the two Governments under the terms of the agreement; honorarium of the arbitrator or arbitrators; compensation of employees in the District of Columbia and elsewhere (without regard to the civil-service laws and regulations or to the classification act of 1923, as amended), stenographic reporting and translating services, by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent in the District of Columbia and elsewhere; traveling expenses and subsistence of per diem in lieu of subsistence (notwithstanding the provisions of any other act); cost of necessary books and documents; stationery; official cards; printing and binding, and such other expenditures as may be authorized by the Secretary of State, and the Secretary of State is authorized to reimburse from this appropriation any other appropriation from which payments may have been made for purposes herein specified, fiscal years 1931 and 1932, $56,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public Health Service," on page 77, after line 23, to insert:

Laboratory at Hamilton, Mont.: For the acquisition by the United States of the laboratory erected and established by the State of Montana, at Hamilton, Mont., at which are being carried on jointly by said State and the Bureau of Public Health Service studies and research for the prevention, eradication, and cure of

spotted fever and in which is produced serum for the treatment of patients suffering from such malady or likely to contract the same, together with the ground owned by the said State on which such laboratory is situated and the equipment and supplies therein, $75,000; for the construction on the ground so to be acquired and equipment of another building to be devoted to the same purpose, $75,000; in all, fiscal years 1931 and 1932, $150,000.

The amendment was agreed to.

The next amendment was, under the subhead "Projects under section 5 outside the District of Columbia," at the top of page 85, to insert:

Bingham Canyon, Utah, post office, etc.: For acquisition of site and construction of a building, under an estimated total cost of $75,000.

The amendment was agreed to.

The next amendment was, on page 95, after line 16, to strike out:

Durham, N. C., post office, etc.: For acquisition of site and construction of a building, under an estimated total cost of $550,000: *Provided*, That the building shall be so constructed that court accommodations may be provided later.

And in lieu thereof to insert:

Durham, N. C., post office, courthouse, etc.: For acquisition of site and construction of a building, under an estimated total cost of $650,000: *Provided*, That the building shall be so constructed to afford court accommodations.

The amendment was agreed to.

The next amendment was, on page 97, line 8, before the word "City," to strike out "Elwood" and insert "Ellwood," so as to read:

Ellwood City, Pa., post office, etc.: For acquisition of site and construction of a building, under an estimated total cost of $135,000.

The amendment was agreed to.

The next amendment was, on page 113, line 7, after the word "of," strike out "$420,000" and insert "$620,000," so as to read:

New London, Conn., post office, etc.: For acquisition of site and construction of a building, under an estimated total cost of $620,000.

The amendment was agreed to.

The next amendment was, on page 118, line 1, before the word "and," to insert "post office," so as to read:

Port Chester, N. Y., post office, etc.: For acquisition of site and construction of a building, under an estimated total cost of $320,000.

The amendment was agreed to.

The next amendment was, on page 120, after line 9, to strike out:

Rockingham, N. C., post office, etc.: For acquisition of site and construction of a building, under an estimated total cost of $125,000, in lieu of acquisition of site authorized under the act approved March 4, 1913 (37 Stat. 878); and the amount appropriated under the authority of such act is hereby made available toward the purposes herein: *Provided*, That the building shall be so constructed that court accommodations may be provided later.

And in lieu thereof to insert:

Rockingham, N. C., post office, courthouse, etc.: For acquisition of site and construction of a building, under an estimated total cost of $210,000, in lieu of acquisition of site authorized under the act approved March 4, 1913 (37 Stat. 878); and the amount appropriated under the authority of such act is hereby made available toward the purposes herein: *Provided*, That the building shall be so constructed to afford court accommodations.

The amendment was agreed to.

The next amendment was, on page 124, line 12, after the word "of," to strike out "$115,000" and insert "$130,000," so as to read:

Silver City, N. Mex., post office, etc.: For acquisition of site and construction of a building, under an estimated total cost of $130,000.

The amendment was agreed to.

The next amendment was, on page 126, after line 6, to insert:

Texas City, Tex., post office, etc.: For construction of a building on a site to be donated, under an estimated total cost of $80,000.

The amendment was agreed to.

The next amendment was, on page 132, after line 5, to insert:

Washington, D. C., Court of Claims Building: For construction of a building, under an estimated total cost of $1,225,000.

The amendment was agreed to.

The next amendment was, on page 135, after line 2, to insert:

FINANCE DEPARTMENT

Pay, etc., of the Army: The sum of $400,000 of the appropriation for "Subsistence of the Army," contained in the War Department appropriation act, fiscal year 1931, approved May 28, 1930, is hereby made available for expenditure for "Pay of the Army, 1931," including the same objects specified under that head in the War Department appropriation act for the fiscal year 1931.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster Corps," on page 135, after line 21, to insert:

For an additional amount required for construction of buildings, utilities, and appurtenances in Porto Rico, authorized by the act approved February 25, 1929, notwithstanding the restriction contained in the War Department appropriation act for the fiscal year 1931, fiscal year 1931 and to remain available until expended, $188,850.

The amendment was agreed to.

The next amendment was, on page 136, after line 7, to insert:

Government road across Fort Sill (Okla.) Military Reservation: To carry into effect the act entitled "An act to provide for the paving of the Government road across Fort Sill (Okla.) Military Reservation," approved February 27, 1931, fiscal years 1931 and 1932, $73,528.61.

The amendment was agreed to.

The next amendment was, on page 136, after line 13, to insert:

Repair of docks, Fort Screven, Ga.: For repair of docks at Fort Screven, Ga., fiscal year 1931, $15,000.

The amendment was agreed to.

The next amendment was, under the heading "War Department—Nonmilitary activities: Quartermaster Corps," on page 139, after line 14, to insert:

The sum of $126 of the appropriation "National Cemeteries, fiscal year 1929," is hereby continued and made available until June 30, 1932, for the payment of obligations incurred under contract executed prior to July 1, 1929.

The amendment was agreed to.

The next amendment was, on page 140, line 10, after the figures "1932," to strike out "$118,615" and in lieu thereof to insert "$237,230," so as to read:

Paving Missionary Ridge Crest Road: For improving and paving the Government road known as the Missionary Ridge Crest Road in the Chickamauga and Chattanooga National Military Park, from Sherman Heights, at the north end of Missionary Ridge, in Tennessee, to the Tennessee-Georgia State line, a distance of approximately 7.2 miles, fiscal years 1931 and 1932, $237,230.

The amendment was agreed to.

The next amendment was, on page 140, line 13, after the word "road" and the colon, to strike out the following additional proviso:

"*Provided further*, That no part of the appropriation herein made shall be available until the State of Tennessee, or any county or municipality or local subdivision thereof or any highway commission or equivalent public authority of the same, shall contribute at least an equal amount for the same purpose, such equal amount to be expended by the Secretary of War concurrently with the appropriation herein made."

And in lieu thereof to insert—

"*Provided further*, That none of the money herein appropriated shall be expended until the State of Tennessee, or any county or municipality or local subdivision thereof or any highway commission or equivalent public authority of the same, shall have given satisfactory assurances to the Secretary of War that it will at all times maintain said road in good repair."

The amendment was agreed to.

The next amendment was, on page 141, after line 2, to insert:

Paving Missionary Ridge Crest Road and Crest and Gap Road: For improving and paving the Government roads known as the Missionary Ridge Crest Road and the Crest and Gap Road in the Chickamauga and Chattanooga National Military Park, from the

Lafayette Road, in the State of Georgia, to the Tennessee-Georgia State line, a distance of approximately 1.1 miles, fiscal years 1931 and 1932, $37,770: *Provided*, That none of the money herein appropriated shall be expended until the State of Georgia, or any county or municipality or local subdivision thereof or any highway commission or equivalent public authority of the same, shall have given satisfactory assurances to the Secretary of War that it will at all times maintain said road in good repair.

The amendment was agreed to.

The next amendment was, on page 143, after line 9, to insert:

Tablet to Nancy Hart: For an additional amount for furnishing and erecting a tablet or marker to commemorate the memory of Nancy Hart, in accordance with the provisions of the act approved February 26, 1929, as amended by the act approved February 19, 1931, fiscal years 1931 and 1932, $650.

The amendment was agreed to.

The next amendment was, on page 144, after line 22, to insert:

CORPS OF ENGINEERS

Muscle Shoals: For beginning the construction of the Cove Creek Dam in Tennessee, as provided in Senate Joint Resolution No. 49, approved February —, 1931, $10,000,000, to be available until approved.

The amendment was agreed to.

The next amendment was, on page 145, after line 2, to insert:

Survey of flood control, Salmon River, Alaska: For survey of the Salmon River, Alaska, with a view to the prevention and control of its floods, as authorized by the act approved January 31, 1931, fiscal years 1931 and 1932, $800.

The amendment was agreed to.

The next amendment was, under the heading "Judgments and authorized claims: damage claims," on page 169, line 1, after the word "in," to insert "Senate Document No. 284 and"; in line 7, after the name "Navy Department," to strike out "$661" and insert "$949.03"; in line 9, to strike out "$4,768.03" and to insert "$5,968.20"; and in line 12, after the words "in all," strike out "$7,805.55" and insert "$9,293.75," so as to make the paragraph read:

SECTION 1. For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 (U. S. C., title 31, secs. 215–217), as fully set forth in Senate Document No. 284 and House Document No. 765 of the Seventy-first Congress, as follows:

Veterans' Administration, $194.20;
Department of Agriculture, $652.51;
Department of Commerce, $23.55;
Navy Department, $949.03;
Post Office Department (out of the postal revenues), $5,968.20;
Treasury Department, $510.16;
War Department, $996.10;
In all, $9,293.75.

Mr. JONES. I offer an amendment to the committee amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 169, lines 1 and 2, it is proposed to strike out "Document No. 284" and insert in lieu thereof "Documents Nos. 284 and 301," and after line 6, to insert "Department of the Interior, $49."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Judgments, United States courts," on page 170, after line 2, to insert:

For the payment of the judgments, including costs of suits, rendered against the Government by United States district courts in special cases and under the provisions of certain special acts and certified to the Seventy-first Congress in Senate Document No. 285, under the Treasury Department, $19,906.23.

The amendment was agreed to.

Mr. JONES. I ask unanimous consent that the amendments covering judgments rendered, which are next in order in the bill, may be considered en bloc.

Mr. ROBINSON of Arkansas. What are the amendments to which the Senator refers, and where are they found?

Mr. JONES. They are found in the last part of the bill and relate to judgments and audited claims sent down by the department.

Mr. SMOOT. All of them have been passed on by the Court of Claims.

Mr. ROBINSON of Arkansas. If they have all been approved by the Court of Claims, I have no objection.

Mr. JONES. They have been audited and approved.

Mr. ROBINSON of Arkansas. Very well.

The VICE PRESIDENT. Without objection, the amendments will be considered and agreed to en bloc.

The amendments agreed to en bloc are as follows:

Under the subhead, "Judgments, Court of Claims," on page 170, line 19, after the word "in," to insert "Documents Nos. 286 and 294 and"; in line 23, after the name "Navy Department," strike out "$16,198.58" and insert "$152,200.24"; in line 24, after the name "War Department," to strike out "$398,703.25" and insert "$525,220.42"; and in line 25, after the words "in all," to strike out "$582,-904.56" and insert "$845,423.39," so as to make the paragraph read:

SEC. 3. For payment of the judgments rendered by the Court of Claims and reported to the Seventy-first Congress in Senate Documents Nos. 286 and 294 and House Document No. 760, under the following departments and establishments, namely: United States Food Administration, $167,026.35; Department of Justice, $11.15; Navy Department, $152,200.24; Treasury Department, $965.23; War Department, $525,220.42; in all, $845,423.39, together with such additional sum as may be necessary to pay interest on certain of the judgments at the legal rate per annum as and where specified in such judgments.

And on page 176, after line 14, to insert:

AUDITED CLAIMS

SEC. 5. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (U. S. C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1928 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (U. S. C., title 5, sec. 266), as fully set forth in Senate Document No. 281, Seventy-first Congress, there is appropriated as follows:

INDEPENDENT OFFICES

For Interstate Commerce Commission, $2.20.
For salaries and expenses, Veterans' Bureau, $3.
For vocational rehabilitation, Veterans' Bureau, $64.16.
For military and naval compensation, Veterans' Bureau, $10.

DEPARTMENT OF AGRICULTURE

For general expenses, Bureau of Animal Industry, $257.33.
For general expenses, Forest Service, $2.50.

DEPARTMENT OF COMMERCE

For increase of compensation, Department of Commerce, $160.33.
For party expenses, Coast and Geodetic Survey, $53.61.

DEPARTMENT OF THE INTERIOR

For relieving distress and prevention, etc., of diseases among Indians, $45.

DEPARTMENT OF JUSTICE

For detection and prosecution of crimes, $2.40.
For salaries, fees, and expenses of marshals, United States courts, $96.06.
For pay of special assistant attorneys, United States courts, $3,000.

NAVY DEPARTMENT

For pay, miscellaneous, $5.50.
For transportation, Bureau of Navigation, $2.90.
For ordnance and ordnance stores, Bureau of Ordnance, $189.26.
For pay of the Navy, $1,103.15.
For pay, subsistence, and transportation, Navy, $128.78.
For freight, Bureau of Supplies and Accounts, $400.25.

POST OFFICE DEPARTMENT—POSTAL SERVICE

(Out of the postal revenues)

For compensation to postmasters, $50.98.
For indemnities, domestic mail, $113.85.
For indemnities, international mail, $37.41.

DEPARTMENT OF STATE

For salaries, Foreign Service officers, $154.38.

TREASURY DEPARTMENT

For collecting the revenue from customs, $124.52.
For Coast Guard, $2,006.16.
For pay and allowances, Coast Guard, $1,126.17.
For enforcement of narcotic and national prohibition acts, internal revenue, $1,045.34.
For pay of other employees, Public Health Service, $1.

WAR DEPARTMENT

For pay, etc., of the Army (longevity act of January 29, 1927), $1,206.88.
For pay, etc., of the Army, $2,568.89.
For pay of the Army, $123.84.
For arrears of pay, bounty, etc., $43.73.
For mileage of the Army, $49.92.
For increase of compensation, Military Establishment, $291.56.
For Army transportation, $53.80.
For clothing and equipage, $682.88.
For general appropriations, Quartermaster Corps, $105.38.
For subsistence of the Army, $8.40.
For medical and hospital department, $82.76.
For Signal Service of the Army, $465.
For Air Service, Army, $362.50.
For arming, equipping, and training the National Guard, $5.
For pay of the National Guard for armory drills, $90.60.
Total, audited claims, section 5, $16,327.38, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

The VICE PRESIDENT. That completes the committee amendments.

Mr. JONES. I have a few committee amendments I desire to offer.

The VICE PRESIDENT. The Secretary will state the first amendment offered by the Senator from Washington on behalf of the committee.

The CHIEF CLERK. On page 4, after line 2, it is proposed to insert:

Traveling expenses: The limitations of $2,500 placed on expenses for travel on official business under the Architect of the Capitol contained in the legislative appropriation act for the fiscal year 1931 is hereby increased to $4,000.

The amendment was agreed to.

Mr. JONES. Mr. President, I offer another committee amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 4, after line 21, it is proposed to insert:

The Public Printer may continue the employment under his jurisdiction of William Madden, CONGRESSIONAL RECORD messenger at the Capitol, notwithstanding any provision of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and any amendment thereof, prohibiting extensions of service for more than four years after the age of retirement.

Mr. ROBINSON of Arkansas. Mr. President, what is the explanation of that amendment?

Mr. JONES. This man is the one who carries the speeches around at all times of the day and night for correction by Senators. Everybody seems to think he is such an efficient man, especially in that line of work, that they felt that they would not like to have his services terminated until absolutely necessary, so the committee recommends this extension of time.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I offer a further amendment on behalf of the committee.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 15, after line 18, it is proposed to insert:

GEORGE WASHINGTON BICENTENNIAL COMMISSION, DISTRICT OF COLUMBIA

For expenses of the District of Columbia Commission for the George Washington Bicentennial, as authorized by the act approved February 24, 1931, fiscal years 1931 and 1932, $100,000, including rent of offices, postage, traveling expenses, employment of personal services without reference to the classification act of 1923, as amended, and all other necessary and incidental expenses.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I offer the amendment which I send to the desk to take care of an act that has passed both Houses, and, as I understand, has just been signed by the President.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 15, after line 18, it is proposed to insert:

DEPARTMENT OF VEHICLES AND TRAFFIC, DISTRICT OF COLUMBIA

For personal services, fiscal year 1932, $34,300, together with the amount of $36,060 for personal services, office of the director of traffic, contained in the District of Columbia appropriation act for the fiscal year 1932, payable in like manner as other appropriations for the District of Columbia for the fiscal year 1932 are paid: *Provided*, That the appropriation of $80,100 contained in the District of Columbia appropriation act for the fiscal year 1932 for purchase and installation of electric traffic lights, etc., office of the director of traffic, shall be available for similar expenditures under the department of vehicles and traffic, District of Columbia (act of February —, 1931).

Mr. ROBINSON of Arkansas. Mr. President, what is the department of vehicles and traffic?

Mr. JONES. This amendment is really to carry out a new law that we have passed for the control of traffic here in the District of Columbia. We have done away, I think, with the director of traffic, and have provided a new organization to handle it.

Mr. ROBINSON of Arkansas. That is the name of the new organization—the department of vehicles and traffic?

Mr. JONES. I understand so.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I also offer the amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 4, after line 21, it is proposed to insert the following as a new paragraph:

Western irrigation agriculture: For an additional amount for western irrigation agriculture, including the same objects specified under this head in the Agricultural appropriation act for the fiscal year 1931, fiscal years 1931 and 1932, $35,000.

Mr. ROBINSON of Arkansas. Mr. President, I think there should be an explanation of that amendment.

Mr. JONES. The Senator from Oregon [Mr. STEIWER] can explain the necessity for the amendment. It relates to the Hermiston irrigation project, and the $35,000 is for a transfer of the experiment station there.

Mr. STEIWER. Mr. President, it should not be necessary to make a detailed explanation of this amendment; but for the information of the Senate I will state that on the Umatilla project, which is a Government project, there is now an experiment station. It has been there, I think, for some 15 years. It is a very small station, and it has proved to be absolutely inadequate.

This station is operated by the Government of the United States and the State College of Oregon as partners. On account of certain troubles on the project the State has threatened to withdraw its participation. Indeed, I think it may have already given notice that it will do so unless a more adequate station is provided.

It happens that the United States owns in the same neighborhood another tract of land upon which it has a water right. The purpose of this amendment is merely to provide the money with which the Government and the State may jointly continue their operations and move them over to the other tract of land.

Specifically the money is for constructing the necessary buildings and improvements on the new tract. It is a station that is very much desired by the people, and is supported both by the department and by the State college.

If it were necessary to make a fuller explanation I should be glad to do so, but I hope that will suffice.

Mr. TRAMMELL. Mr. President, will the Senator yield for a question?

Mr. STEIWER. I yield.

Mr. TRAMMELL. I do not know that I have any objection to the amendment, but I should like to ask the Senator if it is in accordance with a bill that has been passed at this session of Congress.

Mr. STEIWER. Yes; I neglected to state that. The same item passed the Senate once before.

Mr. TRAMMELL. At this session of Congress?

Mr. STEIWER. Yes.

Mr. TRAMMELL. Since we convened in December?

Mr. STEIWER. Yes. I can not tell the Senator the date upon which it was done, but it was agreed to once before.

Mr. TRAMMELL. I should like to know, just for information, whether it was since the Senate convened in December.

Mr. STEIWER. Yes; it was since December. If the State is permitted to withdraw its participation, the Department of Agriculture has indicated that it will abandon the station, and this station which is under irrigation will be permitted to dry up and blow away. The damage will all have been done long before the next session of Congress. If we are going to save the station, we must take the necessary action now.

Mr. TRAMMELL. I have no objection to the amendment.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. STEIWER. I yield.

Mr. KING. I am interested to know whether this is a reclamation project that is payable out of the reclamation fund, or is it a project which has no connection with the reclamation law, the Newlands Act, and comes out of the General Treasury?

Mr. STEIWER. Oh, no; it is one of the reclamation projects of our Government. I might say in that connection that this project was established by the Reclamation Service on an area that was then sagebrush and desert; and the Government then invited the settlers to go upon it, representing to them that the land was desirable and useful for certain agricultural and horticultural purposes. It happens that the Government's representations, made in writing and in literature scattered all over this country, have not proved to be true. All that the settlers here now ask is that the Government cooperate with them in trying to work out a new and different system of agriculture that may survive.

Mr. KING. I was not objecting; but I was wondering, if this is a reclamation project, why it is not payable out of the reclamation fund, instead of charging the Treasury and the people of the United States with a matter that belongs to the Reclamation Service.

Mr. STEIWER. There are two reasons, I think. There is no money available in the reclamation fund at this time. Besides that, I think there is no precedent for the procedure suggested. In all cases where experiment stations are maintained by the Government they are operated by the Department of Agriculture.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington on behalf of the committee.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, before the Senator from Washington presents the next committee amendment, may I ask him what has been the action of the committee, if any, concerning the veterans' hospital and soldiers' home bill which passed the Senate recently? Is anything included in this bill to carry out the provisions of that measure?

Mr. JONES. There is nothing in this bill for that. Nothing was called to our attention with regard to it.

Mr. SMOOT rose.

Mr. LA FOLLETTE. Then may I ask the Senator from Utah what the program is concerning that work?

Mr. SMOOT. Mr. President, I understand that the program is to send over a specific appropriation for that purpose.

Mr. JONES. I may say to the Senator and to the Senate that I understand some legislation may be enacted after this bill gets through.

Mr. ROBINSON of Arkansas. Mr. President, I presume the reason why the hospital item was not embraced in the deficiency bill under consideration is that it has not finally passed yet.

Mr. SMOOT. This bill was in the hands of the Senate at the very time the hospital bill was passed; so, of course, the House could not attach it.

Mr. JONES. Under our rules we have authority to put an item in a bill to carry out legislation that has passed the Senate at this session; and several of our items come under that head.

Mr. ROBINSON of Arkansas. I join in the inquiry as to why the hospitalization item was not incorporated.

Mr. JONES. That, I think, had not passed the Senate when this bill was reported.

Mr. LA FOLLETTE. Mr. President, the Senator from Washington reported the bill on yesterday, as I understand; but, in any case, may I say to the Senator from Arkansas that in several instances this year the Senate has attached amendments to appropriation bills to carry out bills which the Senate has passed and which are awaiting action in the House.

Mr. JONES. Yes.

Mr. LA FOLLETTE. It did seem to me that if we wanted to make sure that we were going to carry out this program it might be wise to include an authorization in this bill.

Mr. JONES. It would be in order for some Senator to prepare an amendment to carry out the hospitalization bill. It would be in order on this bill now.

Mr. SMOOT. I will prepare the necessary amendment. I shall get the exact amount before the bill passes, although I hope the House will not take exception to it, because they have already stated that they will pass a bill in the House and send it over here.

Mr. LA FOLLETTE. But the Senator realizes the lateness of the time in the session; and if we are going to get it in, it seems to me the wise thing to do is to put it into this appropriation bill, in which so many Senators and Congressmen are interested.

Mr. SMITH. Mr. President, may I ask the Senator from Utah what plan he said was being proposed, other than incorporating the matter in this bill?

Mr. SMOOT. Mr. President, the House intends to send over an appropriation bill at the last moment to cover a number of items; and included in that bill will be the money for the hospitalization bill.

Mr. ROBINSON of Arkansas. For myself, I do not see any objection at all to that arrangement. We, of course, desire to understand about it. There probably will be other measures passed, even after this date, that will call for deficiency appropriations, and they can be incorporated in the bill to which the Senator from Utah refers. In all probability there will be no difficulty in securing its passage.

Mr. SMITH. Mr. President, may I ask the Senator what information he has as to the time when the appropriation for the soldiers' hospital bill will be available for us to act on it—both this body and the other?

Mr. SMOOT. I think it may be made immediately available, but I do not know.

Mr. SMITH. No; I mean how long will it be before the question is settled after we have voted down the President's veto, as I presume we will do? I desire to know if then we will have ample time in which to make the appropriation of the necessary amount.

Mr. SMOOT. I am quite sure that if the program is carried out, the bill will be over here in the early part of next week, Monday or Tuesday. I am quite sure it will not be later than that.

Mr. SMITH. I have no objection to that procedure; but I should like to be sure about the appropriation.

Mr. SWANSON. Mr. President——

Mr. JONES. I yield to the Senator from Virginia.

Mr. SWANSON. As I understand, the appropriations for the construction of hospitals by the Federal bureau amount to $20,877,000. There are provided in this bill, as has been very properly stated, appropriations to carry out measures which have been passed by the Senate, and which, under the rule, are not subject to points of order. I do not see why the Senator from Utah——

Mr. JONES. I think the Senator from Utah is making arrangements to have an amendment prepared.

Mr. SWANSON. I think he ought to, because he had charge of the bill that was passed; and, if he does not prepare the amendment and offer it, some of us interested in this matter will insist that such an amendment be voted into this bill. I think the Senator from Utah ought to offer that as an amendment to this bill, as he had charge of the bill, and not let it go over and take the chance of getting a separate appropriation. I will not consent to that.

Mr. SMOOT. If the Senator will yield, I will have the amendment ready in a few moments.

Mr. REED. I think the reason for the difficulty is that when we passed the veterans' hospital bill we increased the

amount from $12,500,000 to $20,877,000. We have been expecting to get a message from the House asking for a conference on that bill, but up to the present time that has not come. Presumably, the item was not put into this bill because it was not known how much was to be needed.

Mr. ROBINSON of Arkansas. Mr. President, the House is considering the question now, or was just a few moments ago.

Mr. REED. I thank the Senator. May I suggest that we have only six business days left of this session. There is no telling how long the conference on the hospital bill will last. It seems to me that it is highly wise for us to put the item in this bill, as suggested by the Senator from Wisconsin and the Senator from Virginia, in the amount of $20,877,000; and when the conference on the hospital bill is settled and the amount finally fixed the conferees on this bill can, without any further action, fix the exact amount of the appropriation. I hope that will be done.

Mr. SMOOT. Mr. President, I thought I had a copy of the bill here, but I find I have not, and I have sent to the document room for it. I am quite sure that before the pending bill is disposed of, as there are a number of individual amendments to be offered, I will be prepared to offer the appropriate amendment to the pending bill. It will cover the full amount, $20,877,000.

Mr. SMITH. Mr. President, how much was the House appropriation? It was $12,000,000, was it not?

Mr. SMOOT. Twelve million five hundred thousand dollars.

Mr. SMITH. We increased it by about $8,000,000?

Mr. SMOOT. Yes.

Mr. SMITH. It is about $20,000,000 now?

Mr. SMOOT. Twenty million eight hundred and seventy-seven thousand dollars.

Mr. SMITH. If we could incorporate an amendment covering that amount in this bill, and then adjust the difference, if there is any, in the conference report, that would be safe.

Mr. JONES. That will be done. Now, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. The Senator from Washington offers the following amendment on behalf of the committee: On page 74, after line 11, insert:

Payment of an indemnity to the British Government on account of losses sustained by H. W. Bennett, a British subject: For payment to the British Government as full reimbursement for losses sustained by H. W. Bennett, a British subject, in connection with the rescue of survivors of the U. S. S. *Cherokee*, in February, 1919, as authorized by the act approved February 24, 1931, $400.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I offer the following committee amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 74, after line 11, insert:

International Exposition of Colonial and Overseas Countries, Paris, France: For an additional amount for the expenses of participation by the United States, as authorized by public resolutions approved June 24, 1930, and February 24, 1931, in an International Exposition of Colonial and Overseas Countries to be held at Paris, France, in 1931, and for all purposes of the said resolutions, fiscal year 1931 and to remain available until expended, $50,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I offer the following committee amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 112, after line 15, insert:

New Bern, N. C., courthouse, customhouse, and so forth: The proviso in the act of July 3, 1930, that no new site shall be acquired unless the city of New Bern shall agree to purchase the old site and building for a sum not less than the cost of the new site, and in the event that such an agreement is entered into, the Secretary of the Treasury may sell such a site and building to the city on such terms as he may deem proper, is hereby repealed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

Mr. JONES. I also offer the following committee amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 115, after line 15, insert:

Omaha, Nebr., Federal office building: For demolition of building and construction of a new building on a site owned by the Government, under an estimated total cost of $740,000, and there is hereby transferred from the War Department to the Treasury Department the land comprising the site of the old Post Office and Customhouse Building at Omaha, Nebr., together with the improvements thereon, which was turned over by the Secretary of the Treasury to the Secretary of War, under authority of the act of Congress, approved January 21, 1889 (25 Stat. 652).

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

Mr. JONES. Mr. President, I am going to offer now an amendment on behalf of the committee, but I think I should make a brief statement about it. I shall not consider this a precedent for the future. It is an item which reads:

Fort Pierce Harbor: For dredging the channel of Fort Pierce Harbor, Fla., fiscal years 1931 and 1932, $20,000.

This is not an adopted project. It has never been reported upon by the engineers. But it was shown to the committee that the people of this locality have constructed a channel in connection with a harbor out to deep water at an expense of over $2,000,000. That was done without any aid or assistance on the part of the Federal Government.

The community has suffered a great many disasters recently. One of them was the hurricane about which we have heard, which did a great deal of damage. All the banks in the locality have closed. Many of the people have gone into bankruptcy, and they are in a very deplorable financial condition.

A bar has formed in the channel which the people constructed. It is informally estimated by the engineers that it will cost about $20,000 to take out the bar. The bar hinders the passage of ships between this port and other ports along the Atlantic coast. The people of the locality say that it is absolutely impossible for them to raise the money to do this work, and they have appealed to the Congress for this $20,000, giving us assurances that they will maintain the channel hereafter.

As I have said, this channel has not been surveyed; it is not a project which Congress has approved; but the deplorable condition of things appealed to the committee, so we recommend the adoption of the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

Mr. JONES. Mr. President, the junior Senator from Illinois [Mr. GLENN] has an amendment to offer on behalf of the committee.

Mr. GLENN. Mr. President, I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. The Senator from Illinois, on behalf of the committee, moves, on page 171, after line 20, to insert:

The United States Court of Claims be, and it is hereby, authorized and directed, notwithstanding any rule of court, proceedings had, or provision of law to the contrary, to grant the United States a new trial in the case of Pocono Pines Assembly Hotels Co. *v.* United States of America, No. J-543, and hear the testimony, find the facts, and render judgment accordingly on the matter of the responsibility under the facts and the provisions of the lease agreement involved for the fires and the damage and destruction of leased property thereby which occurred during the lease term. The Department of Justice is hereby authorized and directed, on behalf of the United States, defendant in said action, to present to the Court of Claims all available evidence bearing upon the cause and origin of said fires and such other matters as will fully protect the interests of the United States therein. Any

right in either party to said action to obtain review by the Supreme Court of the United States of the proceedings had pursuant hereto shall not be curtailed by any provision hereof.

Mr. ROBINSON of Arkansas. Mr. President, this appears to be an unusual provision. It directs a court to grant a new trial. Of course, there may be some justification for such action, but I think legislative direction to a court to render a particular decision should be open to very careful scrutiny. The courts are presumed to decide cases before them in accordance with rules of law.

Mr. JONES. I think the Senator from Illinois can explain it fully.

Mr. ROBINSON of Arkansas. I think an explanation is due.

Mr. GLENN. Mr. President, some years ago the Government leased a hotel property in Pennsylvania.

Mr. ROBINSON of Arkansas. How long ago?

Mr. GLENN. About 8 or 10 years ago. The Government leased a hotel property, including the main hotel building and a number of cottages and a garage, in the Pocono Hills in the State of Pennsylvania, for hospitalization purposes, for the veterans. The lease contained among others a provision that at the expiration of the term the property should be delivered back to the owners in the condition in which it was taken by the Government, loss by fire and on account of some other causes excepted.

Two fires occurred during the term of the lease. First the garage building was destroyed by fire, which was a small loss. Then later the entire main hotel building was destroyed by fire.

A suit was entered by the owners, under the provisions of the lease, making claim that the Government had not complied with the lease because it failed to return the property in the condition in which it was received. Counsel for the Government relied exclusively upon a question of law, taking the position that the fire having been proved, the burden of proof was upon the lessors to prove that the fire was the result of the negligence or the fault of the Government. The court ruled against the Government's contention upon that point of law.

The Government lawyers rested their case. They introduced no proof as to value of property or the amount of loss or the origin or cause of the fire.

A judgment was entered by the Court of Claims for some $227,000, and the usual motion for new trial and rehearing were entered and denied by the Court of Claims.

The facts, as shown by the report of the Comptroller General, are about as follows:

This property, a large building, had a large porch out over the first floor. The porch was not covered with metal or slate, but there was a wooden covering. A large number of veterans were in the hotel building from time to time. A fire broke out, and the evidence seemed to indicate that the fire came as the result of defective wiring in the roof of the porch.

There was a rain on the day of the fire before the fire. The contention of the lessors was, apparently, that the fire came as the result of a lighted cigarette or cigar being thrown out upon the roof.

That question was not contested. There is evidence submitted now in the form of affidavits that the fire when first seen was breaking out between the boards of the roof and not upon the surface of the roof. There is also evidence at least tending to establish the fact that at the time immediately prior to the breaking out and discovery of the fire there were no persons on the floors above the porch where the fire broke out. That is one element of defense, that the fire was not the result of the negligence of the Government, but came as a result of defective wiring. I think it is probably unnecessary to go into any detail about that matter.

Another possible defense for the Government is a provision in the lease which required the lessors of the property to establish and maintain fire protection. The affidavits disclose that there was not only no water pressure at the hotel building at the time the fire broke out, but that the pressure was turned off and the superintendent for the lessors—they kept one superintendent there to superintend the property—had to go a distance of half a mile to start the pumps to make the water supply available. By the time he had made that trip and the pressure came on, the building was destroyed or the fire was so far along that the building could not be saved.

Those are the main elements of possible defense for the Government. I may say further that the Government introduced no proof, as I said, as to the value of the property destroyed. The only proof in the record is the proof of the owners, which went to the reconstruction cost of the building, making no allowance for depreciation.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. GLENN. Certainly.

Mr. ROBINSON of Arkansas. What was the amount of the judgment rendered by the court?

Mr. GLENN. It was in the sum of $227,000.

Mr. ROBINSON of Arkansas. Against the Government?

Mr. GLENN. Yes; against the Government.

Mr. ROBINSON of Arkansas. May I point out to the Senator from Illinois, who has had very great experience as a lawyer, that this, in my judgment, is a very questionable proceeding. What happened is that the Government tried the cause and lost its case. I wonder if there is a Senator here who thinks if the other parties to the controversy had lost the case and it appeared that the losing side in that event had not been as well represented as it might have been, the Congress of the United States should be asked to direct the court to render a judgment which the court itself is not willing to render.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Washington?

Mr. GLENN. I yield.

Mr. JONES. May I suggest to the Senator that the Court of Claims is not a usual court? It is considered as more in the nature of an adviser to Congress than otherwise, and this is not an unusual proceeding, so far as the Congress and the Court of Claims is concerned.

Mr. ROBINSON of Arkansas. I can not recall in my experience when the Court of Claims has been directed to grant a new trial.

Mr. JONES. I can not say that it has been directed to grant a new trial, but it has been directed to report to the Congress.

Mr. ROBINSON of Arkansas. Oh, yes; but that is a different matter. The Court of Claims, like all other judicial bodies, tries the cases before it in accordance with the rules fixed by the Congress. In this case there is no complaint that the court acted arbitrarily. The implied complaint is that the Government attorneys did not try their case well. In a great many lawsuits it happens that one side or the other is better presented, and the natural advantage that comes from that sort of procedure results.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. GLENN. I yield.

Mr. BORAH. Unless there is something in the creation of the Court of Claims that puts it under the control of Congress the proposition here made would be a nullity. We could not direct the ordinary court to render a judgment. I do not know of anything in the creation of the Court of Claims that would place it on a different footing.

Mr. ROBINSON of Arkansas. Certainly not. The Congress does direct the Court of Claims to try cases, and it sometimes fixes the rules, but I have never before in my entire experience, either as a legislator or as a lawyer, heard of changing the rule after the trial had been had. If the Senator from Washington or the Senator from Illinois can cite an instance in which a case has been referred to a court in any jurisdiction in this country, the rules fixed, the trial had, and then by legislative procedure the rules changed after the trial had been had and the case decided, I should be glad to have him do so.

Mr. GLENN. Mr. President, I may say that this struck me as a very unusual procedure. I have been a member

of the Committee on Claims just long enough to learn that in matters of claims against the Government the statute of limitations, for instance, is frequently waived. Nearly every day a bill is presented waiving the statute of limitations or some recognized and established law of the Government. I have seen it happen often that we have given a claimant against the Government, who had a case that appeared meritorious in good morals and good equity and good conscience, the opportunity to have his case tried before the Court of Claims despite the statute of limitations. We have changed that law frequently in favor of claimants against the Government. But I thought this was not a usual case.

Mr. ROBINSON of Arkansas. The Senator concluded that a similar act of injustice, if I may term it such, might be done in favor of the Government against its citizens. Let me point out to the Senate just what the language is. It is extraordinary. The lawyers in this body should listen to it. It directs a judgment. The language is:

> That the United States Court of Claims be, and it is hereby, authorized and directed, notwithstanding any rule of the court, proceedings had, or provision of law to the contrary—

And so forth. The proposal is that the Congress shall direct the court to violate the law which Congress has enacted. It is the most unconscionable proposal I have ever heard of being submitted to Congress. I do not, of course, refer to the conduct of the Senator from Illinois in presenting it. I refer to the representatives of the Government who, having tried and lost their case, come here now and ask the Congress to say that, notwithstanding the law is against the Government, and in spite of the law which has been enacted governing the matter, the Congress shall direct the court to render a decision.

I thank the Senator from Illinois for yielding to me.

Mr. GLENN. Mr. President, I may say to the Senator from Arkansas that this provision is proposed to be inserted in the bill not for the benefit of the Government. We do not need the provision for that purpose at all. It is put in for the protection of the claimant. That may seem strange, but it is true. Why? The judgment of the Court of Claims is unavailing unless we make an appropriation to pay it and it is not final or binding until we make that appropriation.

I have no feeling about the matter at all. It was referred to me as a member of the subcommittee. But I say that when we put this provision in we put it in so that we would not deny to these people the right finally to be heard. We can stand arbitrarily without the provision, if the Senator from Arkansas please; we can just stand on our rights and say we do not believe that this is a just claim against the Government, and the claim would fail. But we do not do that. We say, "You can go into court and have this case fairly heard."

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. GLENN. I yield.

Mr. REED. I do not think the Appropriations Committee has been very fair in this matter. I agree with every word said by the Senator from Arkansas [Mr. ROBINSON], but I want to add this statement:

When the first deficiency bill was up this item was included; that is to say, there was included an item of appropriation to pay this identical judgment. The Appropriations Committee invited me to come before them and asked then if there would be any objection to striking out the item from the first deficiency bill so that the Comptroller General might investigate it. I said, "There is a judgment that would seem to bind the United States, but if you want to investigate it certainly pass it over to the second deficiency appropriation bill."

Now, without a word further this amendment is authorized by the committee, which not only does not appropriate the money but would strike down the judgment altogether without hearing from the claimants, without giving any notice to the Senators from their State, without any opportunity for those on the other side to be heard. I say, Mr. President, that it is offensive to one's sense of justice, and I am going to offer an amendment adding to the amounts appropriated for the payment of judgments the amount by which this claimant has received judgment against the United States.

Mr. GLENN. May I say to the Senator from Pennsylvania that I knew nothing about the matter——

Mr. REED. I do not blame the Senator from Illinois about it. It is not personal to him, and I hope he understands that.

Mr. GLENN. Certainly.

Mr. ROBINSON of Arkansas. Mr. President, when the Senator from Illinois [Mr. GLENN] was first interrupted the sole information that I had was derived from the language of the amendment itself. I have already said that never before in my experience either as a legislator or as a lawyer have I seen a legislative body attempt to direct a court to violate and disregard the law which that same legislative body had prescribed for the government of the proceedings of the court. But now, from the statement of the Senator from Pennsylvania, the information is derived that it is a positive effort on the part of the Government to prevent the proper execution of a judgment which has been rendered in accordance with due process of law. If it is necessary to do so, in order to prevent the incorporation of this amendment in the bill, I shall take a considerable amount of time in discussing it.

Mr. LA FOLLETTE. Mr. President, may I suggest to the Senator from Arkansas that it is clearly subject to a point of order?

Mr. ROBINSON of Arkansas. I make the point of order then.

The PRESIDENT pro tempore. The Senator will state the grounds upon which he makes the point of order.

Mr. ROBINSON of Arkansas. That it is legislation on a general appropriation bill. Plainly it attempts to confer an authority of law on the Court of Claims which that court does not now have. It undertakes to set aside by legislative action a judgment by the Court of Claims. Undoubtedly it is obnoxious on the ground that it is legislation on a general appropriation bill.

Mr. GLENN. I confess the point of order.

Mr. BRATTON. Mr. President, when this matter was brought to the attention of the Committee on Appropriations the chairman of that committee referred it to a subcommittee consisting of the Senator from Illinois [Mr. GLENN], the Senator from Oregon [Mr. STEIWER], and myself. We gave the matter thorough consideration. I think the Senator from Arkansas employs rather intemperate language when he characterizes it as "the most unconscionable thing ever done by the Congress."

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Tennessee?

Mr. BRATTON. I yield.

Mr. McKELLAR. Does the Senator recall any other instance in the history of Congress where by act of Congress a judge of a court was directed to enter a new trial in a case——

Mr. ROBINSON of Arkansas. And in violation of law.

Mr. McKELLAR. Which may or may not be in violation of law.

Mr. BRATTON. This is not in violation of any law.

Mr. McKELLAR. But here is what is proposed to be done, in terms: It is proposed to direct the judge who has already passed on the case, after the three months have expired in which a new trial can be granted, again to take up that case and enter a new trial. It seems to me that that is something which is absolutely unheard of under the law of the land.

Mr. BRATTON. Mr. President, if I may have the Senator's attention, I will state the facts. It is a matter of utter indifference to me what Congress does with the claim. If it shall be paid, Mr. President, the claimants will get from the Treasury $227,000 to which they are not entitled in law or under the facts.

Let me repeat that the Senator from Illinois, the Senator from Oregon, and I gave the matter thorough consideration, and if we stamped our approval upon an unconscionable proposal, we did not intend to do so. I say that in view of the statement of the Senator from Arkansas.

Mr. ROBINSON of Arkansas. I raise no question of that kind.

Mr. BRATTON. Here are the facts.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield; and if so, to whom?

Mr. BRATTON. I should like to state the facts. I am not going to take much time in discussing them.

The corporation in question leased certain property to the Government. The lease contained a provision requiring the return of the property, acts of God excepted. This hotel building burned and, of course, was not returned at the expiration of the lease. The owner then filed suit for the value of the property. The attorney representing the Government felt that under the terms of the lease upon showing destruction by fire the burden shifted to the plaintiff to show that the fire was the result of negligence on the part of the Government, the attorney for the plaintiff believing, on the other hand, that, under the terms of the lease, when he showed that the property was destroyed by fire, the burden rested upon the Government to show that it was not at fault, the legal proposition between them being where the burden rested. So the attorney for the Government tried his case upon that theory.

Judgment was rendered for $227,000; a motion for rehearing was presented and denied. A second motion for rehearing was presented, to which was attached, in affidavit form, proof showing that the Government has three separate defenses to the merits of the case. In my opinion, the Government can prevail upon any one of those three contentions. They are these:

According to the theory of the plaintiff, the fire originated by throwing a lighted cigarette or cigar upon a shingle roof. There is no doubt but that the Government notified the owner weeks before the fire occurred that that shingle roof was dangerous, and that it should be replaced with an asbestos or metal roof. Instead of heeding the warning and replacing the roof with an asbestos or metal covering, the owner let it remain in that condition. According to his theory, the fire originated by a lighted cigarette or cigar being thrown upon the roof, the danger of which had been called to his attention.

Mr. REED. Mr. President, will the Senator from New Mexico yield for a question?

Mr. BRATTON. Yes.

Mr. REED. Admitting all that for the purpose of the argument, suppose the claimant's lawyer had made a mistake about the burden of proof, and had neglected to apply in time for a rehearing, or for reasons that seemed just to the court a rehearing or a new trial had been denied, would the Senator be in favor of putting a provision in an appropriation act ordering the Court of Claims to give that claimant another trial?

Mr. BRATTON. That is an entirely different situation.

Mr. REED. It involves exactly the same question.

Mr. BRATTON. It is a different situation entirely.

The second point is this——

Mr. REED. Mr. President——

Mr. BRATTON. If the Senator will let me state the facts, then I shall be glad to answer any question either from him or the Senator from Arkansas.

According to evidence in the hands of the Government, the fire originated from defective wiring between the shingle roof of the porch, to which I have referred, and the ceiling of the porch.

The third theory on which the Government can prevail, according to my view, is that the lease required the owner to maintain an adequate supply of water for protection of the property, but when the fire occurred there was no water available; the caretaker, an employee of the owner, had to go half a mile to start the pump before any water was available. Of course, if the owner failed to provide water, as the lease required him to do, that was contributory negligence on his part. So it is my belief that under either one of those three theories the Government can defeat recovery in the case. No one of them has ever been passed upon by the court.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BRATTON. Yes.

Mr. ROBINSON of Arkansas. Suppose it were possible, which I do not think it is, for the Congress to compel the court to grant a new trial and to render the decision which the Senator from New Mexico thinks ought to have been rendered in the first place, and the attorney for the Government should decline to take the view of the case the Senator from New Mexico takes, but should try the case and lose it again, would the Senator from New Mexico think that Congress ought to continue to set aside the judgment of the court until a lawyer could be procured by the Government who would try the case efficiently and successfully?

Mr. BRATTON. No.

Mr. ROBINSON of Arkansas. Mr. President, it is perfectly apparent to me that the Government had its day in court and that the case was tried in accordance with the policy adopted by the Government's attorneys. That is what the Government has attorneys for. If the case had been lost by the other side, no one here would be suggesting that a new trial be granted in the interest of the claimant. He would have to take the responsibility for the incompetency, if I may use that term, of his lawyer. There has been no direct suggestion here that the Government's attorney was incompetent or corrupt or indifferent in the performance of his duty. The suggestion is that he just did not try the case in the way that Members of the Senate who have studied the case think it ought to have been tried. They may be right and the attorneys may have been wrong; or, on the other hand, a different rule may apply; but to say that, in spite of the law governing the procedure of the court, in spite of the court's rules adopted pursuant to law, the court should be directed to enter a different judgment from that which the court found ought to be rendered, I repeat, is repugnant to a sense of justice.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. The Chair is ready to rule.

Mr. BORAH. I should like to ask the Senator from New Mexico a question.

Mr. BRATTON. I yield.

Mr. BORAH. I have great respect for the legal judgment of the Senator from New Mexico. I inquire would not the setting aside of this judgment be a judicial act?

Mr. BRATTON. I should think it would be.

Mr. BORAH. Can the legislature perform a judicial act or make anybody else do so?

Mr. BRATTON. I do not know that we could do that. The court has merely passed upon a legal proposition in the case; it has never considered the facts; the facts have never been determined. The effect of the amendment is to remit the controversy to the court with directions to hear the facts and render such judgment as the court may determine should be rendered in view of its determination of the facts. That is the effect of the amendment. That is all that the amendment seeks to do.

Mr. BORAH. I know nothing about the equities of the matter, but it is an exceedingly interesting proposition to me that a legislative body may direct a judicial body to perform a judicial act in a certain way.

Mr. ROBINSON of Arkansas. Suppose the judge refused to pay any attention to what the legislature told him to do?

Mr. BORAH. I think that is what he would do.

Mr. ROBINSON of Arkansas. If he had any self-respect at all, of course he would. Then, what would be the remedy?

The PRESIDENT pro tempore. The Chair is clearly of the opinion that the amendment proposes legislation upon a general appropriation bill, and therefore the point of order is sustained.

Mr. BRATTON. Mr. President, how did I lose the floor?

The PRESIDENT pro tempore. The Senator from New Mexico did not lose the floor.

Mr. BRATTON. I should like to keep it, if I have it.

Mr. JONES and Mr. McKELLAR addressed the Chair.

Mr. BRATTON. I desire merely to complete my statement.

The PRESIDENT pro tempore. The Senator from New Mexico has the floor.

Mr. BRATTON. I merely wish to state the facts to the Senate. It is then immaterial to me what becomes of the controversy. If the judgment shall be paid, the claimants will get $227,000 of public funds to which under the facts they are not entitled. At least the facts before us indicate that strongly. What we intended to do by the proposed amendment was to have the tribunal created by Congress to pass upon such questions in an advisory way, review the facts in this case, and then tell Congress whether the claimant should be paid.

Mr. JONES obtained the floor.

Mr. REED. Mr. President, will the Senator yield to me?

Mr. JONES. Mr. President, I will take only a moment. I have an amendment which I wish to offer in my individual capacity and not as chairman of the Appropriations Committee or on behalf of that committee. I want to explain it for just a moment.

The amendment has to do with the Employment Service. An estimate of $500,000 has been sent down by the Budget Bureau. The subcommittee thought that that was not necessary. However, not only the Department of Labor but the President feels that, under the peculiar conditions now confronting us, this appropriation ought to be made, in view especially of the prospect of the labor or unemployment bills which have been passed. However, whether the last one of those bills shall become a law or not this money is so necessary to meet the unemployment situation all over the country that I am going to offer the amendment for the consideration of the Senate.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator.

Mr. WAGNER. There is pending before the President for his consideration a bill which has been finally passed by both Houses, the last steps in its passage by Congress having been taken yesterday. That bill abolishes the bureau for which the amendment of the Senator would provide an appropriation. I suggest that if the appropriation shall be made at all, it ought to be increased, in the first place, and, in the event the President should sign the bill which has been passed—and I have every expectation that he will—the item should be phrased in such way as that the appropriation will become available to the bureau newly created under the legislation to which I have referred.

Mr. JONES. As I understand, if this appropriation shall be made it will be available, whether the legislation to which the Senator from New York refers shall be finally enacted or not.

Mr. WAGNER. No. I say "no"; my opinion is that it will not be, because the appropriation is made for the use of a bureau which will have been abolished and which will be out of existence in the event the President should sign the bill now before him.

Mr. JONES. The bill to which the Senator refers does not create a new bureau entirely outside of the Department of Labor, does it?

Mr. WAGNER. It creates a separate bureau, the head of which is to be appointed by the President.

Mr. JONES. Yes; but it will still be a bureau in the Department of Labor.

Mr. WAGNER. But I think it is a very serious question whether the appropriation would be available for this newly created bureau. For that reason I suggest that the amendment be so worded as to be available to the existing Bureau of Employment or to its successor.

Mr. JONES. I will read the amendment now:

For an additional amount for the Employment Service, including the same objects specified under this head in the act making appropriations for the Department of Labor for the fiscal years 1931 and 1932, $500,000, of which not to exceed $17,650 may be expended for personal services in the District of Columbia.

Mr. WAGNER. Will the Senator defer offering the amendment, so that I may have a chance to confer with him?

Mr. JONES. Surely.

Mr. WAGNER. I make that request because I have under preparation an amendment which I intended to offer.

Mr. McKELLAR. Mr. President, I offer an amendment, which I ask to have stated.

Mr. REED. Will not the Senator withhold that until we have a chance to act on this Court of Claims matter?

Mr. McKELLAR. This will take but a very few moments.

The VICE PRESIDENT. The amendment offered by the Senator from Tennessee will be stated.

The CHIEF CLERK. The Senator from Tennessee offers the following amendment:

Insert at the proper place in the bill the following:

"Bureau of Public Roads: For an additional amount for paving and other expenses of constructing the highway from Washington, D. C., to Mount Vernon, Va., including all necessary expenses for the acquisition of such additional land adjacent to said highway as the Secretary of Agriculture may deem necessary for the development, protection, and preservation of the memorial character of the highway, $2,700,000, to remain available until June 30, 1932."

Mr. JONES. Mr. President, I beg to say that that is in accordance with the act that has passed the Senate at this session, and therefore is not subject to a point of order.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I ask unanimous consent to return to the amendment that was adopted on page 2, which I will read, as follows:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1931, $50,000.

I ask unanimous consent to return to that for the purpose of offering an amendment making the amount $100,000.

The PRESIDENT pro tempore. Is there objection to the reconsideration of the vote whereby the amendment was agreed to?

Mr. JONES. Mr. President, I shall have to make the point of order against that amendment.

Mr. McKELLAR. Why is it subject to a point of order?

Mr. JONES. It is increasing an item in the bill, and there is no Budget estimate for it. The $50,000 carries a Budget estimate. That is all that the disbursing officer asked of the committee.

Mr. McKELLAR. I know; but I want to say this to this Senate: A number of investigations have been asked for, and the Committee to Audit and Control the Contingent Expenses of the Senate state that they have only $43,000 left, and they can not authorize these investigations because they have not the necessary money. This matter does not have to go to the Bureau of the Budget. Is it possible that the Bureau of the Budget has to be consulted about the contingent expenses of the Senate? I am inclined to think no Senator would claim that it makes any difference whether the Budget has undertaken to deal with this matter or not. If the Senate can not control its own expenses, surely we are in a very unfortunate situation.

There are Senators on the floor who have important resolutions of investigation pending before the committee. There is the senior Senator from Alabama [Mr. HEFLIN], who has before the committee an application for an investigation which will cost some money, and the money is not there. There is the senior Senator from Wisconsin [Mr. LA FOLLETTE], who has made an application of like kind, and the committee claims that the money is not there. I, myself, have a very important resolution of investigation; and the committee claims they have not sufficient money to authorize it.

Under these circumstances, I hope the Senator will permit the amendment to be agreed to.

Mr. JONES. Mr. President, I suggest to the Senator that this $50,000 only runs up until the 1st of July, 1931, the remainder of this fiscal year.

Mr. McKELLAR. But they will not authorize the appropriation of the money. They say it will put Mr. Pace in an awkward situation if they appropriate the money without having it in hand.

Mr. JONES. Mr. Pace is at liberty to call on the Committee on Appropriations and tell us what he needs. He stated to us that $50,000 was necessary, and that was all he asked us to appropriate.

Mr. LA FOLLETTE. Mr. President, may I have the attention of the Senator from Washington?

Mr. McKELLAR. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. The situation, as I understand it, is somewhat as follows:

The Committee to Audit and Control the Contingent Expenses of the Senate take the position that they can not authorize the report of any resolutions calling for more money than is now in the contingent fund of the Senate up to July 1, 1931. Mr. Pace, in appearing before the Appropriations Committee, has merely included in this $50,000 item those resolutions which have already passed the Senate and are therefore authorized. With the Committee to Audit and Control the Contingent Expenses of the Senate taking the position that they can not authorize any resolutions excepting those which can be taken care of from this fund which will be available up to July 1, 1931, it simply puts the Senate in the position that those who have introduced resolutions early in the session have had them acted on and they will have the money available. Those who may have equally meritorious resolutions calling for the expenditure of money are unable to get consideration of them by the committee because the committee say there will not be sufficient money in the contingent fund of the Senate to take care of them.

It seems to me that the proposition of the Senator from Tennessee is a very reasonable one. There are resolutions pending before the Committee to Audit and Control the Contingent Expenses of the Senate which I have no doubt will receive the overwhelming support of the Senate if they are reported. There is the resolution of the Senator from North Dakota [Mr. NYE] to provide for a special committee to look into the oil question. There is the resolution of the Senator from New York [Mr. WAGNER], providing for an investigation of this most important question of unemployment insurance. There is the resolution of the Senator from Tennessee [Mr. McKELLAR] and many other important resolutions.

Mr. McKELLAR. It has been agreed upon by the Post Office Committee, too.

Mr. LA FOLLETTE. Some of these resolutions have already been approved unanimously by legislative committees of the Senate. In view of the fact that none of the money which we might appropriate in this bill will be expended unless the Senate itself subsequently authorizes the passage of resolutions now pending in the Committee to Audit and Control the Contingent Expenses of the Senate, it does seem to me that it is a matter of proper procedure for the Senate at this time to increase the sum by the amount suggested by the Senator from Tennessee; and then the Committee to Audit and Control the Contingent Expenses of the Senate, and the Senate itself, may pass upon these important resolutions on their merits.

Mr. McKELLAR. Mr. President, I suggest to the chairman of the committee that we take this matter to conference and get from Mr. Pace an exact statement about what is necessary.

Mr. JONES. I desire to suggest to the Senator from Tennessee that it is not Mr. Pace's business to determine what he shall recommend to Congress on the basis of resolutions that may be pending before a committee.

Mr. LA FOLLETTE. I understand that.

Mr. JONES. It seems to me there is nothing in the rules of this body that prohibits the Committee to Audit and Control the Contingent Expenses of the Senate from reporting any resolution that it thinks ought to be reported. If the committee has reached a decision not to do it, it is simply an arbitrary decision of the committee. Mr. Pace can not base his estimates to the Committee on Appropriations on the resolutions that are pending, because he does not know whether or not they are going to be acted upon.

Let me say, in addition, that Mr. Pace does not hesitate to recommend to the Committee on Appropriations all the money that he feels is necessary for these investigations. If the Committee to Audit and Control the Contingent Expenses of the Senate should report additional resolutions to the Senate, and the Senate should agree to them, and Mr. Pace then should feel that he ought to have more money, he would so recommend.

Mr. McKELLAR. But the Committee to Audit and Control the Contingent Expenses of the Senate are taking the position that they can not report out these resolutions because Mr. Pace will be rendered liable to criminal prosecution if they do.

Mr. JONES. I do not see how the action of the committee could do that.

Mr. McKELLAR. The Senator from Washington and I are in agreement on that point. I do not think he would be committing any offense; but the fact is that the committee have taken that position, and the only way we can correct that position is to give them the money. I think we ought to do it. I hope there will be no objection to doing it.

Mr. JONES. I was not referring to Mr. Pace; I was referring to the Committee to Audit and Control the Contingent Expenses of the Senate. I think they ought to report whatever resolutions they think ought to be passed.

Mr. COPELAND. Mr. President, I was off the floor for a moment. Is it the purpose of the Senator from Tennessee to provide for some new investigations which have not yet been passed upon by the Senate?

Mr. McKELLAR. No; the purpose is to increase the $50,000 provided for on page 2 of the bill by making it $100,000.

Mr. COPELAND. For what purpose?

Mr. McKELLAR. For the purpose of permitting the Committee to Audit and Control the Contingent Expenses of the Senate to report out certain resolutions which they say they can not report out now because there is not sufficient money in the contingent fund to permit them to do it.

Mr. COPELAND. What are those resolutions?

Mr. McKELLAR. One of them is the resolution of the senior Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. COPELAND. For what purpose?

Mr. McKELLAR. I will let the Senator from Wisconsin state the purpose. I yield to him to state the purpose, if I may.

Mr. LA FOLLETTE. Mr. President, my interest in this matter is not very vital. I am asking for only a small sum of money to authorize the Committee on Manufactures to study a bill which I have introduced providing for the creation of a national economic council. The Senator's colleague, however, the junior Senator from New York [Mr. WAGNER], has what I regard as one of the most important resolutions that have been pending in this body during this session, namely, the one to authorize a select committee of the Senate to make a study of the question of unemployment insurance.

The Committee to Audit and Control the Contingent Expenses of the Senate take a position which I do not think is justified. Nevertheless, they are the committee having control of these resolutions. They take the position that they can not report out any more resolutions, because the amount carried in this bill is not sufficient to care for all of the expenditures which might possibly be made between now and the 1st of July, 1931.

In order to take care of that situation, the Senator from Tennessee has asked to make this amendment. As I pointed out a moment ago, if the Senator from Tennessee will bear with me, not a dollar of this money will be spent unless it is subsequently authorized by the Senate and its expenditure approved upon vouchers signed by the chairmen of committees that are authorized to conduct these various inquiries.

Mr. McKELLAR. There is a further resolution that I have introduced, which has been reported almost unanimously by the Post Office Committee, providing for an investigation into air mail and ocean mail. That resolution is also before the committee. These are all most important matters; and surely the Congress should furnish the money to be used.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. COPELAND. It seems to me a very strange thing to put in a blanket amendment which will invite a lot of investigations. I am not sure but that we have had enough investigations. However, the Senator from Wisconsin has a reasonable proposition. Why does he not bring it here in the regular way?

Mr. McKELLAR. It has been brought here in the regular way.

Mr. COPELAND. I have a proposal myself for an appropriation. It has not yet been approved by the Senate. When it is approved I am going to try to find the money somewhere. It would seem to me the proper procedure is to come here first with a definite proposal as to what is to be done with the money, and then there must be found a way to provide it.

Mr. McKELLAR. Mr. President, all of these resolutions have taken the regular, ordinary, everyday course as provided under the rules of the Senate. The only question that remains now is the one that the Committee to Audit and Control the Contingent Expenses of the Senate have raised; namely, that they have not the money with which to authorize the investigations.

Mr. LA FOLLETTE. Mr. President, if the Senator from Tennessee will yield further——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Wisconsin?

Mr. McKELLAR. Yes; I yield.

Mr. LA FOLLETTE. I should like to suggest to the Senator from New York that all that is sought to be obtained here is an opportunity for the Senate itself to pass upon these resolutions calling for inquiries or studies of various questions upon their merits. Unless this amendment is adopted the Committee to Audit and Control the Contingent Expenses of the Senate take the position that they can consider no further resolutions, because this is the last appropriation bill to pass the Senate.

Mr. McKELLAR. Mr. President, I judge from the statements made that an objection will be had to the reconsideration of this item of the bill on page 2, and therefore I move that the Senate——

Mr. JONES. Mr. President, I want to say to the Senator that if the point of order is overruled I shall not object.

Mr. McKELLAR. I want to ask unanimous consent to return to that item.

Mr. JONES. I would like to have a ruling of the Chair on the point of order.

The VICE PRESIDENT. Does the Senator want the Chair to rule before the question is submitted?

Mr. McKELLAR. It has to be submitted first. I ask unanimous consent for a reconsideration of the vote by which the amendment on page 2, lines 10 to 15, was agreed to.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. McKELLAR. Mr. President, I offer the following amendment, on page 2, line 15, to strike out "$50,000" and insert in lieu thereof "$100,000."

Mr. JONES. Mr. President, to that I make the point of order that it will increase an item of the bill, and that it has not been estimated by the Budget or by any other agency.

The VICE PRESIDENT. The Chair sustains the point of order. The question now is on agreeing to the amendment on page 2, lines 10 to 15.

The amendment was agreed to.

Mr. REED. Mr. President, I send to the desk an amendment, and I want to say a word about it.

The VICE PRESIDENT. The Senator from Pennsylvania proposes the following amendment, which the clerk will report.

The LEGISLATIVE CLERK. On page 171, after line 3, the Senator from Pennsylvania proposes to insert:

For payment of the judgment of the Court of Claims in favor of the Pocono Pines Assembly Hotels Co., as certified to the Congress in the report embodied in Senate Document No. 244, Seventy-first Congress, third session, $227,239.53.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

Mr. REED. Mr. President, this is the matter which was discussed at some length when an amendment was offered by the junior Senator from Illinois [Mr. GLENN] directing the Court of Claims to grant a new trial in the case of the hotels company mentioned in the amendment against the United States. That amendment went out on a point of order.

The judgment in the case referred to was certified to the Congress in strict accordance with law. The amendment is not subject to a point of order. It merely carries out the existing law under which the Court of Claims operates. For that reason I hope the Senate will see fit to preserve the good faith of the United States and honor the judgment rendered against it after trial, in which the Government was represented by counsel, in which the case was argued, followed by judgment which stands unreversed.

I might say that the House of Representatives in the first deficiency bill in this session of Congress passed this claim and directed that it be paid, and it was only stricken out in the Senate in order to give a chance to the committee to make inquiries about it. I am sorry now that I consented to the amendment in the first deficiency bill, but as a matter of good faith, this judgment ought to be paid now.

Mr. HEFLIN. Mr. President, I appeal to the Senator from Washington to withdraw his point of order against the amendment offered by the senior Senator from Tennessee [Mr. McKELLAR].

Mr. Pace was before the Committee to Audit and Control the Contingent Expenses of the Senate this afternoon. He did not know until he attended that meeting of the committee of a good many matters for which money would be needed until he was told about them at this meeting. I have talked with him since he came from the meeting of the committee, and he told me in view of the many demands to be made on these funds that if we could increase this amount whatever was needed would be used and what was left over July 1 would be transferred over into the next year's contingent fund. I informed him of the contest I had in my State, and I do not think the Senator from Washington would want to have a contest pending without sufficient funds appropriated to carry it on.

I want to read to the Senate, and to the Senator from Washington in particular, who has this bill in charge, excerpts from some letters I have received upon the subject of the senatorial election in Alabama held on November 4, 1930. I would like to have the attention of the Senator from Washington while I am going into this matter.

The VICE PRESIDENT. The Senator from Alabama has requested the attention of the Senator from Washington. The Senate will be in order so that the Senator may be heard.

Mr. HEFLIN. I want the attention of the Senator from Washington while I am discussing this phase of the matter, and I trust that Senators interested in other items will not try to talk to the Senator at this time. I take it that the Senator is interested in keeping elections clean and honest in every State in the Union——

Mr. JONES. Mr. President——

Mr. HEFLIN. In a moment—whether it would take $50,000 or $500,000 or a million dollars to have honest elections, fair and clean elections of United States Senators. A government that can appropriate $100,000,000 to people in Europe for any purposes, to relieve them of distress and of hunger, can certainly appropriate the money needed to see that we have a clean election, a fair election, and a fair

count of the votes polled for candidates for the United States Senate.

I have filed a contest in which I claim that I was elected by an overwhelming vote, and that the election—primary and general—reeked with fraud, intimidation, and corruption. I am asking for an opportunity to prove irregularities, fraud, and corruption in the senatorial election in Alabama.

Mr. President, there are, as I understand, only $32,000 in the contingent fund, and that things pending will require the expenditure of a hundred and odd thousand dollars, and among other things on the list is a contest for a seat in the United States Senate from Alabama. Senators, some few of them, are now seeking to save money by withholding funds which must be had if the Senate is to remain truly a body of representatives honestly selected by the people of the various States.

I contend that one of the greatest frauds ever perpetrated in a general election was perpetrated in my State in the last senatorial election. I contend that the man who holds the certificate of election as Senator from my State is no more entitled to that certificate than some person who was not a candidate.

Let me read to the Senate excerpts from a letter from a good citizen of my State addressed to me.

> Do you know one among the accursed tricks to defraud you in our State election was practiced by certain probate judges and tax collectors?
>
> Had you learned that they arranged among themselves to fix bogus registrations and tax receipts for anyone they thought would vote for Bankhead and against you?
>
> I find men who don't know how they got registered after the registration books had been closed, and they don't know who paid their poll tax.
>
> I am sure from what I can learn this crooked work was done in most every county in the State, and there is no telling the extent of this one rascally trick.

Mr. President, I have another memorandum from a citizen in the State to the effect that they paid as much as $36 on one man's back poll tax in order to vote him against me on November 4.

I have another one which charges that the superintendent of the electric-car lines in Montgomery, the Alabama Power Co.'s agent, threatened the employees, telling them that if they did not vote against me and for Bankhead every one of them would be fired, that they would lose their jobs.

Mr. President, there are many instances of intimidation, one where a captain of industry in Birmingham went up into St. Clair County, called his workers over into a community hall, and told them that if they did not vote for Bankhead they would lose their jobs Wednesday following the election Tuesday.

Senators, money has been spent, thousands, tens of thousands, and hundreds of thousands of dollars. I hope to show that large sums of money have been expended in the campaign against me.

My contest is filed and is pending, and I am seeking to impound the ballot boxes in my State, and we are faced with an adjournment of Congress next Wednesday with only $32,000 in the contingent fund. What are we to do?

I want the members of the Committee on Privileges and Elections to go at once and seize the ballot boxes in my State, to go and seize them as they seized them in the Southern State of Texas, as they seized them in Pennsylvania, as they seized them in Illinois in their efforts to prevent fraud and corruption in the election of United States Senators. You had all the money you needed to go into those States. Are we going to be denied the money necessary to go into my State to show up fraud and corruption there?

I have another letter here from a citizen of my State saying:

> First of all, I wish to express my sincerest and deepest regret to you, whom I firmly believe was illegally defeated November 4 in the election for United States Senator from Alabama. I believe you are by far the choice of the majority of the voters of Alabama uncoerced and unintimidated.

Here is an excerpt from another letter from Alabama:

> I see from Friday's Montgomery Journal that Bankhead is quoted as saying in substance that he invited a senatorial investigation of the recent election, and amongst other things that our side had managers and clerks in every precinct where we had a "known following."

Think of that for a moment, Senators. Mr. Bankhead stated—yes, and he also stated that in an interview down there, and there has been no denial of it—that I had representation in every voting place where I had a "known following." Just think of that! If in his judgment I had no "known following" in a certain county I had no management at the polls; but where I did have a "known following," according to his judgment, I did have representation.

Mr. President, the law requires that a candidate for the United States Senate, whether he has any following at all or not, is entitled to managers and markers and watchers in every precinct and at every voting box in the Commonwealth. Listen to this:

> This—
>
> A citizen writes me—
>
> is not true in Russell County, Ala. I filed a list of election officers with the judge of probate for every precinct except Girard, and in only three precincts were we represented.

There is a whole county, and we had representation in only three of the precincts, representation denied in all the rest of them.

> These were small beats or beats with small numbers of voters, and it was not practical for the opposition to select all the officers from their forces.

The truth is they did not have enough Bankhead following in those three precincts against me to have the entire management made up exclusively of Bankhead managers.

NOMINATION OF EUGENE MEYER

The VICE PRESIDENT. The hour of 4 o'clock having arrived the Senate will resume the consideration of executive business.

The Senate resumed the consideration of executive business.

The VICE PRESIDENT. The pending question is, Will the Senate advise and consent to the nomination of Eugene Meyer to be a member of the Federal Reserve Board?

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Keyes	Shortridge
Barkley	Fess	King	Smith
Bingham	Fletcher	La Follette	Smoot
Black	Frazier	McGill	Steck
Blaine	George	McKellar	Steiwer
Blease	Gillett	McNary	Stephens
Borah	Glass	Metcalf	Swanson
Bratton	Glenn	Morrison	Thomas, Idaho
Brock	Goff	Morrow	Thomas, Okla.
Brookhart	Goldsborough	Moses	Townsend
Broussard	Gould	Nye	Trammell
Bulkley	Hale	Oddie	Tydings
Capper	Harris	Partridge	Vandenberg
Caraway	Hastings	Patterson	Wagner
Carey	Hatfield	Phipps	Walcott
Connally	Hayden	Pine	Walsh, Mass.
Copeland	Hebert	Ransdell	Walsh, Mont.
Couzens	Heflin	Reed	Waterman
Cutting	Johnson	Robinson, Ark.	Watson
Dale	Jones	Robinson, Ind.	
Davis	Kean	Sheppard	
Deneen	Kendrick	Shipstead	

Mr. BARKLEY. I wish to announce that my colleague [Mr. WILLIAMSON] is unavoidably detained from the Senate.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present. The question is, Will the Senate advise and consent to the nomination of Eugene Meyer to be a member of the Federal Reserve Board?

Mr. REED. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FRAZIER (when his name was called.) On this question I have a pair with the senior Senator from Mississippi [Mr. HARRISON]. If I were permitted to vote, I should vote "nay." If the senior Senator from Mississippi were present and voting, he would vote "yea."

Mr. GILLETT (when his name was called). I have a general pair with the Senator from North Carolina [Mr. SIM-

MONS], but I am assured that on this question he would vote the same as I wish to vote. Therefore I am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. WALSH of Montana. My colleague the junior Senator from Montana [Mr. WHEELER] is absent on account of illness. He is paired on this question with the Senator from Missouri [Mr. HAWES].

Mr. LA FOLLETTE. On this question I am paired with the junior Senator from Kentucky [Mr. WILLIAMSON]. I understand if he were present he would vote "yea." If I were at liberty to vote, I should vote "nay."

Mr. BARKLEY. I wish to announce that my colleague the junior Senator from Kentucky [Mr. WILLIAMSON] is unavoidably absent.

The result was announced—yeas 72, nays 11, as follows:

YEAS—72

Ashurst	Deneen	Kean	Shipstead
Barkley	Fess	Kendrick	Shortridge
Bingham	George	Keyes	Smith
Black	Gillett	King	Smoot
Borah	Glass	McNary	Steck
Bratton	Glenn	Metcalf	Steiwer
Brock	Goff	Morrison	Stephens
Broussard	Goldsborough	Morrow	Swanson
Bulkley	Gould	Moses	Thomas, Idaho
Capper	Hale	Oddie	Townsend
Caraway	Harris	Partridge	Tydings
Carey	Hastings	Patterson	Vandenberg
Connally	Hatfield	Phipps	Wagner
Copeland	Hayden	Ransdell	Walcott
Couzens	Hebert	Reed	Walsh, Mass.
Cutting	Heflin	Robinson, Ark.	Walsh, Mont.
Dale	Johnson	Robinson, Ind.	Waterman
Davis	Jones	Sheppard	Watson

NAYS—11

Blaine	Dill	McKellar	Thomas, Okla.
Blease	Fletcher	Nye	Trammell
Brookhart	McGill	Pine	

NOT VOTING—13

Frazier	La Follette	Pittman	Wheeler
Harrison	McMaster	Schall	Williamson
Hawes	Norbeck	Simmons	
Howell	Norris		

So the Senate advised and consented to the nomination of Eugene Meyer to be a member of the Federal Reserve Board.

The VICE PRESIDENT. The clerk will state the next order of business on the Executive Calendar.

THE JUDICIARY

The Chief Clerk read the nomination of James M. Proctor to be associate justice, Supreme Court of the District of Columbia.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Harry A. Hollzer to be United States district judge, southern district of California.

Mr. BLAINE. I ask that that nomination go over until after to-morrow.

The VICE PRESIDENT. Without objection, it will be passed over without prejudice.

The Chief Clerk read the nomination of E. Marvin Underwood to be United States district judge, northern district of Georgia.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of E. Coke Hill to be district judge, division No. 3, district of Alaska.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Alexander C. Birch to be United States attorney, southern district of Alabama.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Frederick R. Dyer to be United States attorney, district of Maine.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Frederick H. Tarr to be United States attorney, district of Massachusetts.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of A. V. McLane to be United States attorney, middle district of Tennessee.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Osmund Gunvaldsen to be United States marshal, district of North Dakota.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

The Chief Clerk read the nomination of Harry Bassett, of Indiana, to be a member of the United States Employees' Compensation Commission.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

TREASURY DEPARTMENT

The Chief Clerk read the nomination of Arthur A. Ballantine, of New York, to be Assistant Secretary.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

CUSTOMS SERVICE

The Chief Clerk read the nomination of William Duggan to be collector of internal revenue, second district of New York.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Philip Elting to be collector of customs, district No. 10, New York, N. Y.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

POSTMASTERS

The Chief Clerk proceeded to read the nominations of sundry postmasters.

Mr. PHIPPS. Mr. President, I ask that No. 2094, the nomination of Ernest H. Smothers, Camden, Tenn., be passed over without prejudice.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BLAINE. I ask that No. 2282, the nomination of Bernard A. McBride, Adams, Wis., go over without prejudice.

The VICE PRESIDENT. Without objection, it will go over without prejudice.

Mr. PHIPPS. I ask that the remaining postmaster nominations be confirmed en bloc.

The VICE PRESIDENT. Without objection, all remaining postmaster nominations on the Executive Calendar are confirmed en bloc.

ISAAC R. HITT

Mr. KING. Mr. President, the other day I was instructed by the Judiciary Committee to report two nominations, James M. Proctor and Isaac R. Hitt, in the District of Columbia. I supposed I had reported Judge Hitt's nomination to the Senate, but apparently did not as I find it to-day on my desk. The Proctor nomination was reported and has been confirmed. I now report and ask unanimous consent for the present consideration of the nomination of Isaac R. Hitt to be judge of the police court of the District of Columbia.

The VICE PRESIDENT. Is there objection? The Chair hears none and, without objection, the nomination is confirmed.

EXECUTIVE MESSAGES REFERRED

Messages from the President of the United States, transmitting sundry nominations were referred to the appropriate committees. (For nominations this day received see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. BORAH, from the Committee on Foreign Relations, reported without amendment Executive I (71st Cong., 3d sess.), being the International Load Line Convention and its accompanying final protocol, signed at London on July 5, 1930, which was placed on the Executive Calendar.

He also, from the same committee, reported favorably the nomination of James Grafton Rogers, of Colorado, to be an Assistant Secretary of State, and also the nominations of sundry officers in the Diplomatic and Foreign Service, which were placed on the Executive Calendar.

He also, from the Committee on the Judiciary, reported favorably the nomination of Raymond J. Mulligan, of New York, to be United States marshal, southern district of New York, which was placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably sundry post-office nominations, which were placed on the Executive Calendar.

LEGISLATIVE SESSION

Mr. JONES. I move that the Senate resume legislative business.

The VICE PRESIDENT. Without objection, the Senate will resume legislative business.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 16982) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LUCE, Mr. PERKINS, Mrs. ROGERS, Mr. RANKIN, and Mr. JEFFERS were appointed managers on the part of the House at the conference.

The message also announced that the House insisted on its amendment to the joint resolution (S. J. Res. 3) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GIFFORD, Mr. PERKINS, and Mr. JEFFERS were appointed managers on the part of the House at the conference.

HOSPITALIZATION OF WORLD WAR VETERANS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 16982) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist on its amendments disagreed to by the House, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SMOOT, Mr. WATSON, Mr. REED, Mr. HARRISON, and Mr. KING conferees on the part of the Senate.

SECOND DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes.

Mr. LA FOLLETTE. I desire to offer an amendment.

Mr. JONES. There is an amendment pending.

The VICE PRESIDENT. There is an amendment pending. The question is on the amendment of the Senator from Pennsylvania [Mr. REED].

Mr. JONES. Mr. President, I wish to say just a word with reference to the matter discussed by the Senator from Alabama [Mr. HEFLIN]. Of course, I think every Senator here wants to make available all the money that may be necessary for a full and complete investigation of the contest he has instituted. No Senator would seek to hamper that investigation in any way, shape, or form; but I find this to be the present situation with reference to the contingent fund: There are $45,000 available already, and, with the $50,000 additional in this bill, $90,000 will be available up to the 1st of July. Then $250,000 will be available for the next fiscal year. So it seems to me plenty of money is made available, all that will be needed, at any rate, up to the 1st of July, and the $250,000 which will then be available will certainly not be used up before Congress shall meet again in December.

Mr. HEFLIN. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Alabama?

Mr. JONES. I yield.

Mr. HEFLIN. Several resolutions are pending to-day before the Committee to Audit and Control the Contingent Expenses of the Senate; I do not know how much money from the contingent fund those resolutions call for or how many of them will be favorably reported; but will the $95,000 to which the Senator referred, in his judgment, take care of all the expenses that will be incurred between now and the 1st of July?

Mr. JONES. I certainly think it will.

Mr. HEFLIN. If it should not, then what would happen?

Mr. JONES. It would not be very long, anyway, until the 1st of July, when $250,000 will be available, and I am satisfied that the $95,000 will not all be used by the 1st of July.

Mr. BLACK. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Alabama?

Mr. JONES. I yield.

Mr. BLACK. I desire to state to the Senator that I join with my colleague in a desire to have a sufficient amount of money appropriated for the purpose of expediting the contest which he has filed as to the Senatorship from Alabama. I desire also at this time to read a short statement from a letter written by Mr. Bankhead with reference to the same proposition.

The VICE PRESIDENT. Does the Senator from Washington yield for that purpose?

Mr. JONES. I yield for that purpose.

Mr. BLACK. Mr. Bankhead says in this letter:

> I am perfectly willing for the committee to proceed during vacation, and would much prefer to have the whole matter disposed of before actively entering upon the discharge of my duties next December.
>
> If the committee decides to recount the ballots, I am willing to have it done without any court order impounding them, and I will agree for the committee's agents to make the recount at the various courthouses if that will save any cost and expense and delay.

In the statement of Mr. Bankhead, which I shall not read in full, he takes the position that he desires, just as stated by my colleague, that the contest shall be expedited. I think that if there is any question at this time about the amount of money available being sufficient, there should be appropriated a sufficient sum, and that, if necessary, the point of order should be withdrawn, by reason of the fact that it is of exceeding importance that a contest should not be stopped or delayed on account of any lack of funds.

Mr. JONES. I do not feel, under the circumstances, with $95,000 available when this bill shall have passed, with $250,000 available on the 1st of July, that I should withdraw the point of order, and I respectfully decline to do so. I do not take that position to hamper the Senator from Alabama. As I said a while ago, I want him to have the full and complete and fair hearing that he should have.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. JONES. I yield to the Senator from Arkansas.

Mr. CARAWAY. The Senator from Illinois, who is chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, is present. I may say, however, that the committee did not feel that, with a total of $95,000 available for all purposes, if the contest is to be carried on and

a recount had, there would be available a sufficient sum. I am not arguing with the Senator about it; we have just gone over that matter; but I do not feel that the fund is sufficient.

Mr. McKELLAR. Mr. President, will the Senator from Washington yield to me in order that I may ask the Senator from Arkansas a question?

Mr. JONES. I yield.

Mr. McKELLAR. As I understood the Senator, he said that there were not available under the control of the committee sufficient funds for the purpose?

Mr. CARAWAY. The committee feels—and I think properly so—that it has no right to deal with an appropriation that is to become available at some time in the future; that it should consider only the money now available, and $10,000 is all that the committee felt would be available for this purpose at this time.

Mr. McKELLAR. There are other resolutions of investigation, and I am wondering if that was the theory on which the committee acted?

Mr. CARAWAY. That is the theory on which the committee proceeded, and it is one that I approve, and one that I think the committee ought to follow. I do not think the committee ought to undertake now to consider an appropriation that will not become available until the beginning of the next fiscal year. I am not arguing with the Senator, but I think, if a recount is to be undertaken this summer, that a sufficient sum ought to be allowed, and I doubt if $10,000 will be enough.

Mr. JONES. I do not think in the case of a contest that there ought to be any limitation on the amount of money if it is necessary and needed. If anything has to be delayed, the other resolutions that provide for investigations that do not involve the seat of a Senator can be delayed just a little bit. As I said a while ago, I feel satisfied that the $95,000 will take care of every expenditure which may be necessary between now and the 1st of July.

Now, Mr. President, I want to say a word with reference to the amendment proposed by the Senator from Pennsylvania [Mr. REED]. I rather think the Senator from Pennsylvania entertains the thought that he has hardly been treated right by the committee. We did cut this item out of the first deficiency bill, and we did, I think, assure him that action would be taken before the next deficiency bill came up. We did take that action; we appointed a committee to look into this case. I insisted on the committee preparing and submitting its report and recommendation before the deficiency bill should come up. I think the subcommittee felt—and I shared that feeling—that the recommendation they made was in the interest of the claimant as well as in the interest of the Government. I felt, at any rate, that if the claimant had to depend upon an appropriation after presenting his claim to Congress, it might take a good while to get through the necessary legislation providing for the payment of the claim. So I think the subcommittee as well as myself were acting in perfect good faith toward the Senator from Pennsylvania; at any rate, we thought so. We would not have thought of taking any advantage of him in any way, shape, or form, and we thought by putting in the bill the amendment proposed that it would expedite the adjudication and final settlement of the claim.

Mr. President, the question that confronts the Senate is this: Shall we pay the judgment of the Court of Claims without any investigation? There are some serious facts presented with reference to this claim which would seem to indicate that if it shall be paid, the Government of the United States will be paying what it ought not to pay. I do not think we ought now to act on this claim without some further investigation, at any rate, by a committee of Congress and that will examine the merits of the case, as it has a perfect right to do. I do not think we ought to say that the Congress is bound by the judgment of the Court of Claims, which is really an advisory body of the Congress.

We often refer claims to the Court of Claims, sometimes asking it to report upon the facts and submit its recommendations and sometimes authorizing it to render judgment. Yet in such cases where judgment is rendered, the claim has to come back to Congress for investigation before it is paid. Why are such judgments sent back to Congress? Not only that appropriations may be made but in order that we may have an opportunity to investigate the claims.

I think, Mr. President, that sufficient facts were pre-

I think, Mr. President, that sufficient facts were presented to the subcommittee and submitted by that committee to justify the Senate at least in giving an opportunity to the commitee to investigate this claim very carefully before we provide for its payment. If we are not willing to have the Court of Claims pass on this case again, then we ought to refer it to a committee of the Senate for investigation.

I appointed on the subcommittee three of the leading lawyers who are members of the full committee. They investigated it very carefully and came to the conclusion as indicated by the amendment that has been proposed. A point of order has been sustained. As I have said, one of the purposes of offering that amendment to this bill was to hurry the matter along, hoping that we would avoid any unnecessary delay, that we would get the claim back to the Court of Claims, and the court would pass on it again. Then, when it shall come back to Congress, of course, whatever their judgment may be will be favorably acted upon. I think the Senate should reject the amendment of the Senator from Pennsylvania.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). The Senator from Pennsylvania.

Mr. REED. The Senator from Washington speaks of the difficulty of obtaining an appropriation, and he implies that it is because of kindness to the claimant that it is proposed to order a new trial of this case.

There will not be the slightest difficulty in getting an appriation if the conferees of the Senate will stand for this amendment, even in the most perfunctory way, because the House of Representatives has already adopted it. They sent it over to us on the first deficiency bill, and, unless the Senate surrenders without the request of the House that they do so, there is the legislation, and the judgment will be paid.

Mr. JONES. May I interrupt the Senator from Pennsylvania?

Mr. REED. Certainly.

Mr. JONES. Of course, if the Senate provides the appropriation, there may not be so very much difficulty in getting it, because, I want to say to the Senator that in conference, no matter what my personal views may be, I have always made it a rule to follow the position and recommendation of the Senate.

Mr. REED. I am perfectly sure the Senator will be loyal to the Senate in the conference; and I want to assure him now, in advance, that he will meet with victory on this point, because the House has already passed the item.

Mr. ASHURST. Mr. President, may I ask a question?

Mr. REED. Certainly.

Mr. ASHURST. Am I to understand that the Court of Claims has rendered a judgment in this matter?

Mr. REED. Absolutely.

Mr. ASHURST. And the Senator now seeks an amendment directing the payment of the judgment. What objection can there be to paying a judgment duly rendered? Has the time for appeal gone by?

Mr. REED. I am very glad the Senator has asked that question. He was not here when the Senator from Arkansas [Mr. ROBINSON] was debating the former amendment that dealt with this matter.

Mr. ASHURST. No; I was not.

Mr. REED. This was a case where the United States Government took a hotel building for use as a veterans' hospital. The hotel burned down after the hospital had been there a while; and therefore the United States, which had covenanted to return the hotel in good order, could not do so.

The claimants brought suit in the Court of Claims. The case was defended. The Comptroller General says that the

lawyer who represented the United States did not defend it well. Be that as it may; I do not know. I know nothing about the merits of the case. I only know that it was not a judgment by default but was a contentious case, litigated through to a judgment.

I understand that a new trial was applied for and refused. I understand that the Government allowed the time for appeal to elapse without taking any appeal. The judgment was certified to us for payment in the usual way. The House of Representatives passed an item in the first deficiency bill to provide for the payment of this judgment. The matter came over to us in the first deficiency bill. Our Committee on Appropriations was approached by Comptroller General McCarl, who said that from what he could gather the United States had not been well represented by its delegated counsel; that the question of the burden of proof of negligence in the cause of this fire was one which should have been otherwise disposed of than it had been; and that we ought to refuse to pay this final judgment, and in some way order a new trial.

Thereupon the Committee on Appropriations called me before it and asked if there was any objection to disagreeing to that item in the House bill, the first deficiency bill. I said, "If you want to look into it, and want delay, all right; strike it out of this bill, and put it in the second deficiency bill." They did that. Now, without further consultation with me, or as far as I know with anybody representing Pennsylvania or the claimant, they actually report out an amendment commanding the Court of Claims to vacate that judgment and order a new trial—a grand piece of legislative exercise of power if I ever saw one.

Of course, the court ought to tell the Congress to mind its own affairs if we did pass such a thing. That amendment, however, after being attacked by the Senator from Arkansas [Mr. ROBINSON] and the Senator from Idaho [Mr. BORAH] went out on a point of order. Now I have offered an item to pay this certified judgment; and that is what the Senator from Washington [Mr. JONES] asks the Senate to reject.

Knowing nothing whatever of the merits of the case except that it was tried and went to final judgment unappealed from, I very earnestly say that the good faith of the United States is involved. When the tribunal which it has set up for the consideration of such cases renders final judgments and they are certified to the Congress, I say the good faith of the United States Government is involved in the payment of those judgments.

Mr. ROBINSON of Indiana. Mr. President, I desire to say a word about the amendment. I certainly think it should be rejected. It amounts to just this, as I understand, having listened very carefully to the debate thus far:

It is true that the item came over from the House, with the recommendation that it be paid, in the first deficiency bill; but evidently there was something about it that looked queer from the beginning to the Committee on Appropriations of the United States Senate. The distinguished chairman of that committee, the Senator from Washington [Mr. JONES] appointed a subcommittee composed of eminent lawyers of this body. Among others on that committee were the distinguished Senator from New Mexico [Mr. BRATTON], himself a judge of great ability before he came into this body, and the Senator from Illinois [Mr. GLENN], an eminent lawyer of his State; and they felt so certain that this bill should not be paid and this judgment not honored that they sought to find a way to prevent the United States Government from being mulcted of nearly a quarter of a million dollars.

The amendment proposed went out on a point of order. Immediately upon its going out the Senator from Pennsylvania [Mr. REED]—whose motives I do not question in the slightest degree—it happens that the hotel keeper is a constituent of his—offered this amendment providing for the immediate payment of this judgment in the sum of almost a quarter of a million dollars.

Mr. President, those of us who were on the floor a while ago heard the Senator from New Mexico [Mr. BRATTON] make the statement that if the judgment were paid it meant that the United States would be mulcted out of approximately $225,000, and that certain interests in Pennsylvania would receive from the United States Government nearly a quarter of a million dollars to which they are in no wise entitled.

Remember, the merits of this question were never gone into by the court. The matter was decided largely on a technicality. The Senator from Pennsylvania admits on the floor that he knows nothing about the merits of the case, or whether or not the money is due or should be paid on the merits of the case.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from California?

Mr. ROBINSON of Indiana. In a second. That being true, Mr. President, why should the Senate here, in all haste, now, vote away $225,000 of the people's money, when responsible Members of this body say it is simply thrown away; that the Government does not owe it, and should not be made to pay it? Perhaps another way can be found between now and next December by which the Government may be saved this money.

I now yield to the Senator from California.

Mr. SHORTRIDGE. Mr. President, was action regularly commenced against the Government?

Mr. ROBINSON of Indiana. That I do not know. I am proceeding largely on the statement of two responsible Members of this body, who as members of a subcommittee have studied this question thoroughly, one on this side of the Chamber and one on the other side, and have finally concluded that the United States does not owe this money, and that the interests involved in Pennsylvania ought not to be presented this money with the compliments of the United States when they are not entitled to it.

Mr. SHORTRIDGE. Assuming what has been stated, I understand that an action was commenced regularly and properly; that answer was duly filed; that issue was joined; and that the case was tried upon its merits.

Mr. ROBINSON of Indiana. No, Mr. President; that is where the Senator, I think, is mistaken. I understand from the Senator from New Mexico—he can correct me if I am wrong—who studied this case very carefully, that the case never was tried on its merits. That is just the point, Mr. President.

Mr. SHORTRIDGE. Now, note what I said: I understood that answer was entered, and issue joined; that the case was thereupon tried upon the facts and the law; and that the court, made up of five presumably competent judges, rendered judgment; and that thereafter that judgment became final, and is final.

Mr. REED. Absolutely.

Mr. SHORTRIDGE. So the Senator is attacking the proceedings of the court, imputing either dishonesty or incompetency or other demerit to the court.

Mr. ROBINSON of Indiana. Oh, no, Mr. President; I am not impugning the courts in the slightest degree, nor their honesty to any extent whatever. I am suggesting that there is no occasion to rush into this matter. This subcommittee of the Committee on Appropriations, composed of members of the bar, have carefully studied it, and have considered that the United States ought not to pay this judgment. Therefore, I say, why the rush in paying it? Why should we present $225,000 to these Pennsylvania interests in such great haste? Why not let it go until next December, and find a way to save this money for the United States, if there is a way? Then, in the event no way can be found in the law, if the United States must pay it, I suppose there is no alternative; but certainly there is no haste about it, Mr. President, no reason to rush into it so rapidly as to amend this appropriation bill with an amendment to which the distinguished chairman of the committee himself is thoroughly opposed.

Mr. GLASS. Mr. President, I desire to inquire from some one of the lawyers who have given consideration to this matter what would or might be the effect of deferring this appropriation for a while—whether there would be any way to get the case before the court again.

Mr. BRATTON and Mr. DILL addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator yield?

Mr. GLASS. I yield to the Senator from New Mexico.

Mr. BRATTON. Mr. President, I have not given much thought to that phase of the matter, because I had assumed that one of two things would happen: Either that the Senate would accept the recommendation of the committee to insert in the bill an appropriate provision remitting the whole matter to the Court of Claims to inquire into the merits of the case and render judgment—a thing that has not been done by the Court of Claims or any other tribunal—or that the whole matter would be kept out of the bill.

If the amendment proposed by the Senator from Pennsylvania is not inserted in the bill, the Committee on Appropriations or some other agency will have adequate time before the next session of Congress, or during the consideration of an appropriation bill in the next session to inquire into the merits of this matter, and then report to Congress whether the claim should be paid.

Let me say to the Senator from Virginia that the item in question amounts to $227,000 plus; that the liability of the Government on the merits of the case has never been passed upon by the Court of Claims, the Committee on Appropriations, or any one else acting for the Government.

Mr. REED. Mr. President, will the Senator yield there?

Mr. BRATTON. It is now proposed to appropriate the money and pay the claim without the Court of Claims or the Committee on Appropriations inquiring into the merits of the case to determine whether the Government is liable.

Mr. REED. Mr. President, will the Senator yield?

Mr. BRATTON. I am speaking at the sufferance of the Senator from Virginia.

Mr. GLASS. I yield to the Senator from Pennsylvania.

Mr. REED. Here is the point:

The Comptroller General says that the lawyer who represented the United States ought to have tried his case differently from the way he did. Perhaps he should. I do not know. Nobody representing this claimant has ever spoken to me about it. I do not know who the people are; but I do know that the matter went to final judgment on the merits, after issue joined on the merits, and judgment was rendered, not by default but after argument on both sides; that if a new trial was asked for the court refused it, and that no appeal was taken, and the judgment remains unreversed and unappealed from.

Mr. GLENN rose.

Mr. GLASS. I understand those facts because I listened very intently to the Senator from Pennsylvania.

As all Senators know, the Appropriations Committee is never advised as to the merits of a claim sent down by the Court of Claims.

Mr. REED. That is right.

Mr. GLASS. These claims go into the bill automatically. The assumption is that the court has decided the case upon the merits, and that the award is just. I would not be willing to vote against the Senator's proposed amendment with a view to having the Committee on Appropriations of the Senate, or the Committee on Appropriations of the House, or both, determine the merits of the case. But if there is any way to get the matter again before the court in a proper and just way, I would be inclined to vote against the Senator's amendment in order that that might be done.

Mr. REED. Mr. President, there is no proper way. This judgment was certified to us last May. The term at which it was rendered has long since expired. It is too late to appeal; it is too late to move again for a new trial. The judgment remains final. Nothing will happen if the amendment is rejected except that on the records of its own tribunal will stand a repudiated judgment against the Government, repudiated not because of any hearing on the merits, but because of ex parte representations by the Comptroller General of the United States.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from New Mexico?

Mr. GLASS. I yield.

Mr. BRATTON. Let me remind the Senator, in connection with what he has just said to the effect that there is no way of getting this matter before the court, that an amendment was proposed less than an hour ago to remit this case to the court, with the direction to inquire into the facts; and that amendment went out on a point of order made by the Senator from Arkansas [Mr. ROBINSON], with the hearty support of the Senator from Pennsylvania.

Mr. REED. Exactly.

Mr. BRATTON. We were then attempting to do exactly what the Senator from Virginia thinks should be done, and we were prevented from doing it through the united efforts of the Senator from Pennsylvania and the Senator from Arkansas.

Mr. GLASS. Mr. President, I did not favor the proposition. I may say that I was not at the committee meeting which acted on this matter, and therefore I am derelict in that respect. As an original proposition, I would not favor legislation on an appropriation bill undertaking to direct a legal process. But if there be any way properly to get the matter again before the court so that it may be tried upon its merits, I should vote against the amendment proposed by the Senator from Pennsylvania.

Mr. REED. Mr. President, I know of no such way.

Mr. GLASS. If there be no way, I am not willing that the Senate Committee on Appropriations shall set itself up as a tribunal to try the case on its merit as against a regularly constituted tribunal.

Mr. REED. Mr. President, the Senator has put his finger right on the point at issue. The Senate Committee on Appropriations, on an ex parte representation by the Comptroller General, is undertaking to reverse a judgment rendered after argument and hearing of both parties before a court. That is just the situation.

Mr. STEIWER. Mr. President, will the Senator from Virginia permit me to make one observation in answer to what has been said?

Mr. GLASS. I yield.

Mr. STEIWER. The Senator from Pennsylvania upon three or four occasions in this debate has made the statement that the Committee on Appropriations acted upon the ex parte representations of the Comptroller General. I want to say to the Senator with respect to that that the matter is all spread at large upon the record of the case. The subcommittee had that record, including the pleadings. The various motions, the affidavits in support of the motions, the briefs, and every aspect of that case were exhibited to us. I do not think it is true that any member of the subcommittee was actuated by anything said to us by the Comptroller General of the United States, but we were impressed by the record, which is made by both participants to the litigation, and we unanimously felt that it would be almost a fraud upon our Government to permit this bill to be paid.

Mr. REED. Mr. President——

Mr. GLASS. I yield.

Mr. REED. Does the Senator mean that the five judges of the Court of Claims, sitting there and looking at exactly that same record, have rendered a judgment which is a fraud upon the United States? Surely that is a savage way to talk about our courts.

Mr. BRATTON. Mr. President, may I interject a remark there?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from New Mexico?

Mr. GLASS. I yield.

Mr. BRATTON. The Court of Claims has never passed upon the merits of the controversy.

Mr. REED. How can the Senator say that?

Mr. BRATTON. Because the Court of Claims held that the burden of proof rested upon the Government.

Mr. REED. Precisely; and the Government did not sustain the burden. Are we to keep remitting the case, so that the Government can go fishing around for further evidence? Does not a judgment estop anybody?

Mr. GLASS. Mr. President, let me ask a question right there. Not being a lawyer, I want to be initiated into the mysteries of the law. Suppose the claimant, through some fault of his attorney, had lost this case. Would we be called upon here to give the claimant another chance before the court?

Mr. REED. Indeed we would not. We would laugh him out of court if he came in here and asked us to reverse the judgment.

Mr. GLENN. Mr. President, I will say that the Committee on Claims does that very thing right along. Anyone who has been on the Committee on Claims knows that statement is correct. We waive the statute of limitations where the lawyer for the claimant, in a claim against the Government, has allowed the time to go by, and the statute, if it were strictly construed or reasonably construed, would bar the claim. Scarcely a day goes by but a bill is introduced to waive the statute because the lawyer for some claimant has done what the lawyer in this case did for the Government, has not capably represented his client.

Mr. GLASS. If the court is authorized to do that for an individual, why is it not authorized to do it in this case for the Government?

Mr. GLENN. I do not know. Perhaps it was authorized to do it if it had seen fit to do it.

Mr. GLASS. Why does it not do it?

Mr. GLENN. I do not know why it does not do it.

Mr. REED. Mr. President, the Senator surely does not mean to give the impression that there is any question of the statute of limitations here?

Mr. GLENN. No; not in this case.

Mr. REED. And the Senator surely does not mean to give the impression that if the Court of Claims had decided, not on the ground of the statute of limitations but on the merits, that the claimant had not produced the proof to sustain his allegation, that the Committee on Claims would give him relief?

Mr. GLENN. I do not know about that. I think a number of Senators have come in who did not hear the previous discussion, and in order that everyone may know about the case I think it should be discussed briefly. I have no feeling about the matter at all. I was merely appointed chairman of the subcommittee.

Mr. GLASS. Mr. President, I do not yield to the Senator for a speech. I will yield the floor in just a moment, with a single observation.

Mr. GLENN. I beg the Senator's pardon; I thought he had finished.

Mr. GLASS. If we deny this appropriation, we have a record which impugns the honor of the Court of Claims; and if we grant the appropriation, apparently we have a record here of paying a company $227,000 which is not entitled to a cent of it. It is a very embarrassing situation.

Mr. McKELLAR. Mr. President, I want to say to the Senator from Virginia that this is a case where a judgment has been rendered by a court, and the time for appeal or for a writ of certiorari or any other process to take it up to a higher court has expired. Under the law, after that has happened, the court has no jurisdiction of the matter at all, and the only thing to be done is for its officers to carry out the decree or judgment of the court, which has been done. For the legislature to put into the law a provision directing that the judge of a certain court, or the judges of a certain court——

Mr. GLASS. That is no longer proposed. That was thrown out on a point of order.

Mr. McKELLAR. I just wanted to say to the Senator that to my mind the proposal for this body to undertake, or for the Congress to undertake, to direct a court what judgment to enter, I do not believe would be valid legislation.

Mr. GLASS. I do not disagree with the Senator in that, and at the same time I find myself very reluctant to vote $227,000 out of the Treasury for some claimant not entitled to it.

Mr. BRATTON. Mr. President, if the Senator will yield, the only question pending is whether we shall pay this amount now or postpone its consideration to the next session of Congress, giving the Congress in the meantime, through a committee or some other agency, an opportunity to inquire into the merits of this claim. Those are the two alternatives presented to us.

Mr. GLASS. Suppose we inquire into the merits of the claim and find that in our judgment it is without merit. Shall the Committee on Appropriations set its judgment up against the orderly judgment of the Court of Claims? That is the question involved here.

Mr. BRATTON. It could submit the facts to the Congress and let Congress determine what should be done. It would give the Government an opportunity to know the facts as to whether it is liable for the payment of $227,000.

Mr. BARKLEY. Mr. President, will the Senator from Illinois yield?

Mr. GLENN. I yield.

Mr. BARKLEY. Does it lie in the mouth of the Government of the United States, through Congress or any other branch of the Government to impugn the integrity and the ability and the fidelity of the Court of Claims, which is another branch of the Government of the United States, in passing on a claim of this sort? And how much more proper will it be for us to do it when we meet than it is to do it now?

Mr. BRATTON. The merits of the controversy, the thing we now seek to have investigated, were never passed upon by the Court of Claims.

Mr. BARKLEY. That may be the fault of the court, but we have established that court there for that purpose.

Mr. BRATTON. Let me call the Senator's attention to the fact that the act creating the Court of Claims was designed to create an agency to inquire into claims and report to Congress.

The report of the Court of Claims is advisory to the Congress. It is not binding upon Congress. It has no obligatory effect. When a report comes here in the form of a judgment which we know was confined purely to a technical question of law and did not involve a review or consideration of the facts, I assert that the Congress can appropriately look into the merits of the controversy without impugning the motives of the court, because the court passed upon one question and we would review another.

Mr. BARKLEY. Why did not the court pass on the question of fact?

Mr. BRATTON. Three defenses to this claim, which I undertook to outline to the Senate an hour ago, any one of which, in my judgment, would afford a bar to recovery by the claimant, were interposed.

Mr. GLASS. Right there, before the Senator goes into that question, let me ask him a single question. Had the judgment gone against the claimant in the case, does the Senator dream that for a moment the Congress would have given the claimant another chance to appear before the court?

Mr. BRATTON. I do not think so.

Mr. GLASS. Then why should we give the Government another chance to appear before the court?

Mr. BRATTON. Because in this case, according to my view, the claimant is trying to get $227,000 of public funds out of the Treasury to which it is not entitled. I think Congress is the trustee for the public respecting those funds. We should not take that much money out of the Treasury merely because we have the power to do it, and merely because the Court of Claims has determined a case on a technical question, without considering the facts.

Mr. GLASS. On the contrary, the claimant might contend that the Government was trying to deprive it of $227,000 to which it was justly entitled. Had the case gone differently, would we have given the claimant an opportunity to reassert its claim?

Mr. GLENN. In answer to the inquiry of the Senator from Virginia, may I suggest that the plaintiffs, under those conditions, could very well have presented their claim to the Committee on Claims, introduced a bill and had it considered. If they had been deprived of their rights, if they had had a just claim against the Government for $227,000 and had been deprived of their rights through some tech-

nical ruling, I think the Committee on Claims might have had a sympathetic ear for them. I have seen it happen so often that I feel that way about it.

Mr. WALSH of Massachusetts. Has it been done in the past?

Mr. GLENN. We have had the statute of limitations waived frequently.

Mr. REED. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. GLENN. I yield.

Mr. REED. I would like to say to the Senator from Massachusetts that issue was joined upon the question of negligence. The court held that the party on whom rested the burden of proof had not furnished sufficient evidence to make out their case. Judgement was thereupon rendered upon the merits, judgment against the Government for the value of the hotel building, which they had leased and did not return to the owner. That is what is called a "judgment on a technicality." If it is a technicality to furnish an insufficient amount of proof to prove the point on which issue has been joined, then that is a technicality. But had the judgment gone against the claimants because of their inability to furnish sufficient evidence to sustain the burden that was on them, a very slender chance they would have had to get through the Committee on Claims a bill for relief in the face of that judgment.

Mr. ROBINSON of Arkansas. May I inquire if a copy of the judgment is available for study of the Senate?

Mr. REED. Yes; it was certified to us and appears in the Senate document which is mentioned in the amendment. It has been certified to the Senate in the regular way.

Mr. BARKLEY. Did the Government make a motion for a new trial?

Mr. GLENN. Motion for a new trial was made and overruled.

Mr. BARKLEY. I suppose all the reasons for a new trial were available to counsel and were heard by the court, including the fact that the judgment was rendered on a technicality?

Mr. GLENN. I think so.

Mr. BARKLEY. So that after hearing on those arguments the court overruled a motion for a new trial?

Mr. GLENN. That is true.

Mr. BARKLEY. Now an appeal is made to us to grant a new trial which the court itself would not grant after rendering judgment.

Mr. GLENN. The facts have been stated two or three times. The question of whether the case was tried on its merits or not has been asserted on one side and denied by the other. Lawyers may look at a trial upon the merits differently from the way a layman does. Let me state the facts, about which I think there is no dispute.

A suit was filed in the Court of Claims here in Washington on the lease which the Government had taken from the owners of the property in Pennsylvania. The lease provided, as I have stated before during the absence of some Members of the Senate who are now present, that the Government should return the property at the expiration of the term, loss by fire, and some other extraordinary happenings excluded. The buildings burned during the term of the lease. There were two fires there at least; a garage was destroyed and the hotel building itself was destroyed.

I am merely stating the facts. I have no interest in the matter except that I want the Senate to know the real situation and then decide the question because it is a question of considerable importance, it seems to me, upon the correct statement of the facts and, of course, no one has endeavored to state them incorrectly.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question or two?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from California?

Mr. GLENN. I yield.

Mr. SHORTRIDGE. A complaint was filed. Is that true?

Mr. GLENN. Yes.

Mr. SHORTRIDGE. Certain specific allegations were made?

Mr. GLENN. Yes.

Mr. SHORTRIDGE. The Government came into court in due time, I assume, and made answer. Is that right?

Mr. GLENN. That is right.

Mr. SHORTRIDGE. Were the issues joined, as we understand the term?

Mr. GLENN. Yes; they were joined.

Mr. SHORTRIDGE. The case came on for trial?

Mr. GLENN. That is right.

Mr. SHORTRIDGE. The case came on for trial ultimately before the court made up of presumably learned men?

Mr. GLENN. I do not know anything about that presumption.

Mr. SHORTRIDGE. I say presumably, and some of them I know to be learned lawyers, perhaps not as great as some here who are listening, but presumably they are learned lawyers. The case went to trial did it?

Mr. GLENN. Yes.

Mr. SHORTRIDGE. Evidence was introduced and arguments made?

Mr. GLENN. I do not know. I was not present.

Mr. SHORTRIDGE. Presumably arguments were made. Presumably the court listened to the arguments. Ultimately the court made certain findings and there was entered a certain judgment.

Mr. GLENN. I stated that a while ago.

Mr. SHORTRIDGE. The Government, losing the case, made a motion for a new trial, as I understand it?

Mr. GLENN. Yes.

Mr. SHORTRIDGE. And presumably the court listened to that motion and denied the motion. Is that right?

Mr. GLENN. I have asserted that.

Mr. SHORTRIDGE. The Government failed to appeal from the order denying the motion. Is that right?

Mr. GLENN. Yes.

Mr. SHORTRIDGE. They could have appealed to the Supreme Court of the United States from that judgment, could they not?

Mr. GLENN. I am not sure about that.

Mr. SHORTRIDGE. Whatever the procedure is, there was a higher tribunal.

Mr. GLENN. I have never practiced in the Court of Claims.

Mr. SHORTRIDGE. There is a higher tribunal than the Court of Claims, is there not?

Mr. GLENN. I am not sure about that. I really do not believe there is.

Mr. SHORTRIDGE. I think there is. At any rate, the judgment became final. Is that correct?

Mr. GLENN. Yes; that is correct.

Mr. SHORTRIDGE. If we go behind that judgment, or seek to set aside that judgment or modify it or coerce the judges to modify their views, may we not do so in every judgment that may be rendered?

Mr. GLENN. Of course. The very point in this whole situation, as I view it, is that the judgment of the Court of Claims is merely advisory to the supreme court, which in this instance, it seems to me, is the Congress of the United States. They have made their findings.

Mr. SHORTRIDGE. Does the Senator think we have appellate jurisdiction?

Mr. GLENN. We have final jurisdiction in the matter. When we vote upon this amendment of the Senator from Pennsylvania we pass upon it.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Montana?

Mr. GLENN. I yield.

Mr. WALSH of Montana. I am hopeful that the Senator may be permitted to go on and tell us what the facts are in the matter.

Mr. GLENN. I believe I had better begin again. I had only proceeded a little way when I was interrupted.

The facts are that the Government about 1920 leased the hotel property, including a number of cottages and a garage, from a hotel company in Pennsylvania called the Pocono Pines Hotels Co., to be used for hospital purposes for veterans. The lease provided, among other things, that at the expiration of the term the property should be returned to the owners, loss by fire excepted and certain other extraordinary possibilities and contingencies excepted. Two fires occurred. The garage was destroyed, which was a small loss, and finally the entire hotel property was destroyed by fire before the expiration of the term of the lease.

When the lease term expired, of course, the Government could not return the building, and thereupon suit was filed in the Court of Claims against the Government. In that suit there was a difference of opinion as to a legal question. Counsel for the Government took the position that under the law when the fact was established that the failure to deliver up the property was occasioned by a loss by fire, thereupon the burden shifted to the owners and that the duty was then upon them to show that the loss was occasioned by the fault or negligence of the Government.

The court held otherwise and the Government attorneys stood by their position and introduced no proof. I think that is absolutely true. At any rate they introduced no proof as to the cause of the fire. They introduced no proof as to the value of the property. The only proof offered as to the value of the property was on the part of the claimants. That evidence was in the record which was before the subcommittee, showing that it only went to the cost of reconstructing the building; in other words, without any element or any percentage deducted for depreciation. The amount of the judgment is the amount that it would cost to erect a new set of buildings without anything deducted for depreciation.

Mr. WALSH of Massachusetts. Did the Government pay the entire sum due under the lease?

Mr. GLENN. The Government paid up to the time of the fire and refused to pay after the fire, taking the position that the fire was not its fault. I believe the balance of the rent from the time of the fire to the expiration of the term is included in the amount of the judgment. That is my recollection.

Mr. WALSH of Massachusetts. Is it not true that the owners had insurance and collected the insurance, and they therefore may be collecting twice the value of the property?

Mr. GLENN. The facts are as shown in the statement that the owners collected about $85,000 or $90,000 of insurance, and under the subrogation clause those claims had been assigned to the insurance company. The comptroller called attention to a statute which he says makes the assignment illegal. I am not familiar with that statute and did not think it was very pertinent, and so did not examine it.

Mr. BLEASE. Mr. President, may I propound a question to the Senator from Illinois?

Mr. GLENN. Certainly.

Mr. BLEASE. Was the cause of the fire traceable to the fact that the United States troops were occupying the building?

Mr. GLENN. I am coming to that point now. There was no contention in the lawsuit as to what occasioned the fire. The claimants contended that it came possibly from a cigarette stub thrown upon a roof by a veteran. There seemed to be practically no proof upon that point. The Government introduced no evidence as to what occasioned the fire, but supplementing the motion for a new trial or a rehearing submitted numerous affidavits. The claim of the Government as to the origin of the fire—and I think they have two or three witnesses or affidavits to establish it—is that when the fire was first seen it was breaking out between the boards of the roof of the porch, not on top of the porch as it would have been if it had been caused by a cigarette or cigar stub, but between the boards, evidently caused by defective wiring.

There was also proof that on the day of the fire and preceding the fire there had been a rain and that the roof was wet, so it was unlikely that it would have been caused by a stub of a cigar or cigarette thrown on the roof by a veteran. Further, there was proof that at the time of and immediately prior to the fire there was no one above the first floor of the building, so, according to that theory, no one could have thrown a cigar or cigarette stub out on the roof of the porch.

I simply want to tell the facts to Senators, so they may do as they see fit about the amendment which is now pending. The lease provided that the owners of the property should keep a person in charge there and should maintain water pressure and fire protection.

At the time of the fire, when the fire broke out and they began their efforts to extinguish the fire, it was found that the lessors or the owners had utterly failed to comply with that provision of the lease. There was no water pressure. The superintendent had to travel half a mile to start up the pumps. By the time he did that the fire was under such way that the building could not be saved.

There is one other element which the Senator from New Mexico [Mr. BRATTON] has in mind, a defense to which I have not alluded.

Mr. BRATTON. I was out of the Chamber for a moment. Has the Senator referred to the defective wiring?

Mr. GLENN. Yes, I did; and to the lack of water pressure.

Mr. BRATTON. And that the agent of the Government called the attention of the owner of the property to the fact that the shingle roof was dangerous?

Mr. GLENN. Further, there was proof, in the affidavits at least, that the Government had called the attention of owners of the building to the fact that the roof was very inflammable and that they had had two or three little fires started because of that fact. They had asked the owners to put on a metal or slate roof or something of that kind, which they had failed to do.

Mr. SWANSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Virginia?

Mr. GLENN. I yield.

Mr. SWANSON. The Senator has served on the Committee on Claims, has he not?

Mr. GLENN. I have, and I am still a member of that committee

Mr. SWANSON. As I understand it, there is a different impression as to what the Court of Claims does in these matters. I have had some experience in a great many cases which I have been compelled to send there. Usually we give jurisdiction to the Court of Claims to find facts and the amount of damage and certify the result to the Congress, and a conclusion is reached as to the responsibility. Was this claim submitted under the general law creating the Court of Claims, or was it submitted under a special act authorizing the court to find the facts, or was it submitted to the Court of Claims on account of damages in connection with the war?

Mr. GLENN. My understanding is that it was submitted under the general provisions of the law.

Mr. ROBINSON of Arkansas. What I can not understand is why we are not able to secure a copy of the judgment and see what it is the court decided. That might throw a very great light on the controversy.

Mr. GLENN. I am going to conclude in just a moment, but I quite agree with the Senator as to that.

Mr. ROBINSON of Arkansas. I am not complaining about the Senator occupying the floor at all. What I am attempting to do is to ascertain the nature of the judgment and what the decision of the court actually is.

Mr. McKELLAR. Mr. President, will the Senator from Illinois yield to me for a moment?

Mr. SWANSON. I have not finished.

The PRESIDING OFFICER. Does the Senator from Illinois yield; and if so, to whom?

Mr. GLENN. I yield first to the Senator from Virginia, and then I will yield to the Senator from Tennessee.

Mr. SWANSON. I had not finished my question when I was interrupted. Is it the opinion of the Committee on Claims in passing on these claims that a decision of the Court of Claims is final, or does the committee consider such a decision as a finding of facts which are certified to Congress for the exercise of its judgment?

Mr. GLENN. My understanding is—and other Senators have been here much longer than I and are more familiar with these questions—that when we submit—certainly that is true so far as the Committee on Claims is concerned—a claim to the Court of Claims it is merely for their advice and it comes back to Congress for final action.

Mr. SWANSON. It is left to the judgment and conscience of Congress.

Mr. GLENN. The decision of the Court of Claims is advisory rather than mandatory.

Mr. SWANSON. Nine times out of ten Congress accepts the decisions of the Court of Claims. Are there any cases where the Congress refuses to accept them in instances where the facts are glaring, so far as the Senator knows?

Mr. GLENN. I do not know of any.

Mr. REED. Will the Senator yield to me there?

Mr. SWANSON. Let me get through with my question.

Mr. REED. I want to answer the Senator's question. The Court of Claims has two kinds of jurisdiction, and——

Mr. SWANSON. I know that. It has jurisdiction to find the facts and jurisdiction to render judgment. I am trying to ascertain whether the court entered judgment in this case or merely certified as to the facts.

Mr. GLENN. I have heretofore answered that question.

Mr. SWANSON. Let me ask this question: When judgments are rendered by the Court of Claims, of course, each one is paid individually, is it not? Congress does not appropriate a lump sum to be placed in the hands of the Secretary of the Treasury to pay all the judgments rendered, but they are sent to Congress and Congress passes on them individually, does it not?

Mr. GLENN. It passes on each case individually.

Mr. GLASS. It does not do anything of the kind.

Mr. SWANSON. I want to get the facts then.

Mr. GLASS. If the Senator please, it does not do anything of the kind. We get in the Appropriations Committee a certification of these cases from the Court of Claims, and we dump them in the bill en bloc.

Mr. SWANSON. I mean each case is appropriated for separately.

Mr. GLENN. Each claim is a separate item, as I understand.

Mr. SWANSON. We do not make an appropriation and put it in the hands of the Treasury Department to pay all judgments rendered without an opportunity to determine whether a given judgment should be paid or not?

Mr. REED. If the Senator will look at page 170, he will see exactly how it is done.

Mr. SWANSON. I want to know whether Congress ever makes the appropriations in the manner I have indicated.

Mr. GLENN. I refer that question to the chairman of the Appropriations Committee.

Mr. SWANSON. As I understand, every case is appropriated for separately?

Mr. JONES. Certainly.

Mr. SWANSON. And Congress has never made an appropriation of a lump sum to the Treasury Department, the payments to be made out of such fund in accordance with the judgment of the Secretary of the Treasury.

Mr. JONES. No; not so far as I know.

Mr. SWANSON. Showing that it is not final, as in the case of other items of appropriation.

Mr. JONES. Congress passes on each one.

Mr. SWANSON. As I understand, the appropriations are individually made and the payment of judgments is never provided for by a lump sum, which would indicate that the judgments were considered final.

Mr. JONES. Not that I know of.

Mr. REED. Will the Senator from Illinois yield to me for a moment?

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. To whom does the Senator from Illinois yield?

Mr. GLENN. I promised to yield next to the Senator from Tennessee.

Mr. REED. The Senator from Tennessee will not insist on being first, I am sure, as I want to answer the Senator from Virginia.

Mr. GLENN. Very well.

Mr. REED. If the Senator will look at section 3, on page 170, he will see that Congress does exactly what he has suggested, namely, appropriates a lump sum for all of the "judgments rendered by the Court of Claims and reported to the Seventy-first Congress, in Senate Document Nos. 286 and 294 and House Document No. 760."

Mr. SWANSON. I know that. Of course, that is done to cover them in the aggregate, but what I want to know is, does Congress appropriate, for instance, $75,000,000 to pay judgments of the Court of Claims that are not certified here?

Mr. REED. Oh, no.

Mr. SWANSON. Then, does not that show that Congress still retains its jurisdiction over them?

Mr. McKELLAR. Mr. President——

Mr. GLENN. I now yield to the Senator from Tennessee.

Mr. McKELLAR. Before I read what I have in mind to read I want to ask the Senator from Illinois has this judgment been rendered within the last two years?

Mr. GLENN. Yes.

Mr. McKELLAR. Within the last two years?

Mr. GLENN. That is my understanding.

Mr. McKELLAR. Then I wish to read to the Senate from section 282, on page 900, of the Judicial Code:

> The Court of Claims, at any time while any claim is pending before it, or on appeal from it, or within two years next after the final disposition of such claim, may, on motion, on behalf of the United States, grant a new trial and stay the payment of any judgment therein, upon such evidence, cumulative or otherwise, as shall satisfy the court that any fraud, wrong, or injustice in the premises has been done to the United States.

If that is the law—and it appears to be the law—if the Congress does not pay the judgment and the limitation of two years has not run, upon proper proceedings in the Court of Claims, the case can be reopened at any time within two years.

Mr. BARKLEY. I understand that action for a rehearing was taken and the court declined to grant a rehearing.

Mr. SWANSON. Mr. President——

Mr. GLENN. I yield to the Senator from Virginia.

Mr. SWANSON. No one disputes that the court can not rehear the case; nobody disputes that the time has passed. The only question for us to decide—and action here will establish a precedent for all time to come—is, Are the judgments of the Court of Claims final, so that Congress can not give them any consideration, but, on the contrary, must simply appropriate the money regardless of whether the judgment is right or wrong?

I am not prepared to vote for this amendment and have Congress take that position. If we should do so in the case of this claim, other cases might arise in the future where individual claimants might come here and try to get us to take similar action. I have never understood, so far as Congress is concerned, that the findings and judgments of the Court of Claims were final. I know that nine times out of ten whenever there has been a judgment in a case in which I have been interested the Congress has paid it; but I do not know whether that is the law. If that is the law, we ought to stick to it. If the Government loses in a case, it ought to stand by the decision like a man and accept the result of the litigation.

There are, as I have said, two functions on the part of the Court of Claims, one to find the facts and the other to render judgment. Congress has a right to satisfy itself as to the findings of fact and the judgments of the court, so that the case may still be left with us. I am going to satisfy my conscience before I vote on this question.

Mr. GLENN. Mr. President, as I indicated to the Senate a moment ago, I believe that this is a matter of very great importance not on account of the rather large sum involved but because of the precedent it may establish and which may be followed for years to come. It is a new matter, and is, I think, one of very great importance.

It means nothing, of course, to me. I have merely endeavored to present the facts in this case in order that the Senate may decide for itself whether or not it wants to do as the Senator from Virginia has suggested, whether it thinks it is its duty to accept as absolutely final judgments coming from the Court of Claims, no matter whether or not it is developed that they are full of fraud and absolutely without merit and whether or not it is developed that the Government's case has not been fairly presented.

Mr. HEFLIN and Mr. ROBINSON of Arkansas addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Illinois yield?

Mr. GLENN. Just a moment.

Mr. HEFLIN. Mr. President, I was just going to suggest, inasmuch as it seems that the matter can not be settled for quite a while, that we take a recess until to-morrow morning.

Mr. GLENN. I think the Senator from Arkansas wanted to read a case or some quotation first, and to that I have no objection.

Mr. ROBINSON of Arkansas. The opportunity has not been afforded me to read the entire decision which is reported in 69 Court of Claims Reports, page 91, and covers 20 printed pages. The syllabus——

Mr. McNARY. Mr. President, would the Senator like to have the bill go over so that he may have an opportunity to read the decision to-night and discuss it to-morrow?

Mr. ROBINSON of Arkansas. If the opportunity is afforded, I should like to familiarize myself with the decision. I will state, though, that it appears to be a judgment in the ordinary form:

> The judgment herein, therefore, will be for the total sum of $227,239.53, and it is so ordered.

That is the final sentence in the very long decision which I have before me. The point is that the Government elected to stand on a question of law. That happens in almost every jurisdiction in which I ever practiced. A demurrer may be filed either to an answer or a complaint. If the demurrer is sustained, the adverse party has a right then to plead further. If he elects to stand on the demurrer, the court will render its decision in accordance with the pleadings and other portions of the record. That is a practice that prevails in almost every State of the Union and in nearly all the courts, and that, I think, from a casual inspection of the record, is what happened in this case. It was a final judgment, conclusive and binding. A motion for a retrial, it is said, was subsequently made and overruled. Unquestionably the statute read by the Senator from Tennessee has application. The party may present the grounds that the statute sets forth as a reason for securing a new trial, but the presumption is that the attorneys presented every reason that existed. It seems to me to be just a question whether the Congress wishes to recognize the judgment. There is no power, of course, to compel Congress to make the appropriation.

Mr. SWANSON. Does the Senator think that it will be contrary to the laws of Congress to reserve action on the case submitted and ask the court to send us a statement of facts?

Mr. ROBINSON of Arkansas. Yes; I think the court would cite the judgment and say that the case was res adjudicata in so far as the Court of Claims was concerned.

Mr. McNARY obtained the floor.

Mr. REED. Mr. President, will the Senator from Oregon yield to me?

Mr. McNARY. Yes.

Mr. REED. From the Committee on Finance, I ask leave to present a proposed amendment to this bill and have it referred to the Committee on Appropriations.

The PRESIDING OFFICER. Without objection, the amendment will be received, printed, and referred to the Committee on Appropriations.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. SMOOT. Earlier in the day, Mr. President, I was asked to prepare an amendment and offer it to this bill to provide an appropriation of $20,877,000 for the war veterans' hospitals. In accordance with that request, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Utah offers an amendment——

Mr. McNARY. I present a proposed unanimous-consent agreement and ask that it may be entered into.

Mr. SMOOT. I ask unanimous consent for the adoption of the amendment submitted by me.

Mr. McKELLAR. Let us know what it is.

The PRESIDING OFFICER. Let the amendment be stated.

Mr. McNARY. Mr. President——

Mr. NORRIS. Mr. President, has the amendment of the Senator from Pennsylvania been withdrawn?

Mr. REED. No, Mr. President.

The PRESIDING OFFICER. The Senator from Utah presented his amendment by unanimous consent.

Mr. NORRIS. By unanimous consent, can we take up the other amendments that are going to be offered and that will probably take but little time? If we are going to act on one by unanimous consent, can we not extend the same privilege to all of them?

Mr. SMOOT. The amendment introduced by me relates only to hospitalization of the veterans.

Mr. NORRIS. I know.

Mr. REED. Mr. President, I do not give consent to anything that is going to displace the pending amendment.

SEVERAL SENATORS. Regular order!

The PRESIDING OFFICER. The regular order is the request for unanimous consent preferred by the Senator from Oregon.

Mr. SMOOT. I withdraw the amendment I have offered.

EVENING SESSION ON THURSDAY FOR THE CALENDAR

The PRESIDING OFFICER. The Senator from Oregon submits a request for unanimous consent, which will be read.

The legislative clerk read as follows:

> *Ordered*, by unanimous consent, that at the hour of 7.30 o'clock p. m. on to-morrow, February 26, 1931, the Senate proceed to the consideration of unobjected bills on the calendar, subject to the limitation of debate provided for under Rule VIII, beginning with Order No. 1418.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SECOND DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 17163) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932, and for other purposes.

Mr. TYDINGS. Mr. President, out of order, I ask unanimous consent to offer an amendment to the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARKLEY. I send to the desk an amendment to the pending bill, which I desire to have printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NORRIS. I send to the desk an amendment which I ask to have printed and lie on the table.

The PRESIDING OFFICER. Without objection, that order will be made.

AUTOMATIC COPYRIGHT LAW

Mr. BARKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Louisville Courier-Journal on the automatic copyright law.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal of Tuesday, February 24, 1931]

COMMITTEE APPROVAL OF A GOOD BILL

During the days when Will Shakespeare was writing fame-destined dramas for the Elizabethan stage he suffered considerably both in purse and in reputation by the unscrupulous pirating of his works. No remotely adequate copyright laws protected the products of creative genius in those times, and the larceny of popular poems and plays was what would now be called an organized "racket." Often when the actors trod the boards of the Globe Theater, speaking the glorious lines of a new play from Shakespeare's pen, several deft copiers sat in the audience taking down the dialogue as it came to them from the stage.

What with the vagaries of the actors and the crude system of shorthand employed by those who took down the lines, it is small wonder that fidelity to the true text was a thing unheard of.

These pirated versions of the plays were then published and sold "over by Paul's Churchyard" and all through the streets of London town, but the author received not one penny of the profits. Often the pirated edition of the play appeared long before an authorized edition could be prepared for the press, and thus the unscrupulous publisher skimmed off the cream of the profits on a play to which he had no right whatever. The garbled text of these hurried, stolen editions often reduced immortal scenes to sheer nonsense and ringing lines to driveling absurdities. In some cases these confusions have lingered on to vex the Shakespearean student even to-day. But the greatest of playwrights was helpless against the inroads of the literary plunderers.

With a painful slowness difficult to understand, the legislators of England have gradually worked toward a state of protection for the creative artists whose names have brought glory to the nation. The latest step in this worthy progression was the adoption of an automatic copyright law. This invaluable reform protects the unpublished works of the artist in whatever form of art he espouses. The moment he sets his pen to paper and produces a poem, a play, or a symphony that work automatically becomes his property without the tedious formality of a registration. The creative artist thus at last achieves equal rights with the carpenter. The carpenter fashions a chair out of the stock of wood he has on hand, and that chair belongs to him, though he has not registered his ownership in a government office. The author fashions a novel out of the raw material of his own mind, and that novel is his by natural right and now at last by law.

This automatic copyright provision, the logical goal of all legislation designed to protect those craftsmen who produce the art, the music, and the literature of the world, has become the law in over 40 nations. The American artist has no such protection. But this reform is an outstanding feature of the Vestal copyright bill now pending in Congress. All those who respect the achievements of the creative artists of America will demand the passage of a bill which grants them their natural right to the products of their own brains.

The Senate Committee on Patents has just favorably reported the measure. Kentucky's two Senators have announced themselves in favor of its passage, and probably a majority of the membership feels the same way. But that is not enough. Senators should be alert to see that the bill is brought up and passed and not lost in the shuffle during the closing days of the session.

DROUGHT RELIEF—WORK OF THE RED CROSS

Mr. WHEELER. Mr. President, I ask leave to have published in the RECORD an article from Labor, of Washington, D. C., in its issue of the 24th instant, on the subject of drought relief and the work of the Red Cross.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Labor, Washington, D. C., Tuesday, February 24, 1931]

VICTIMS OF THE DROUGHT ARE COMPELLED TO WORK FOR 15 CENTS AN HOUR—GET PAY IN STORE ORDERS—SOME FORCED TO LABOR FOR PRIVATE CREDITORS ON PAIN OF LOSING "DOLE"

LITTLE ROCK, ARK., February 19.—For the last 10 days this writer has been wandering over the drought-stricken areas in Arkansas and adjacent States, commissioned by the editor of Labor to report conditions as he found them.

A similar assignment from Labor carried me into this same region in 1927, when great floods caused immense loss of life and property. At that time it was necessary to speak plainly concerning some of the Red Cross activities, pointing out that many of its representatives were guilty of gross favoritism, giving lavishly in some instances to those who did not need help while neglecting others who were in dire straits.

FACTS CAN NOT BE DENIED

What was written at that time was not denied, because denial was impossible. I am equally confident that what is set forth below will not be questioned, for it is only a recital of proven or admitted facts, and the supporting evidence may be obtained by anyone sufficiently interested to make the effort.

Figures compiled by the Arkansas State Bureau of Statistics show one-fourth of the population of this State in need of food—500,000 in the farming regions and 30,000 unemployed in the cities—unemployment having increased 2 per cent since January 1.

Thus, out of the 1,000,000 people the Red Cross is supposed to be looking after, some 500,000, one-half, are in Arkansas.

BARRIERS TO RELIEF

The average reader of the daily papers naturally thinks that the Red Cross is doing its utmost to alleviate suffering, and that all a man lacking food has to do is to ask for it and he will get it. That may be the general idea, but it is not the way the relief program is working out.

Dr. Julius Klein, Assistant Secretary of Commerce, in a radio address on business depressions delivered on the evening of February 12, offered 10 pieces of advice, including the following:

"Don't fall into the fallacy of expecting the wage earner to bear the brunt of readjustment. Talk of drastic slashes in American living standards borders closely on lunacy."

Evidently many of the representatives of the Red Cross in the drought areas do not feel that Doctor Klein's advice was addressed to them.

WAGE-CUTTING CAMPAIGN

There is ample evidence to sustain the charge that some of these Red Cross officials have knowingly and deliberately adopted a policy of cutting wages and thus breaking down American standards of living.

The average man who contributes his dollar, $5, or $10 to the Red Cross thinks that organization gives his contribution to some starving man or woman. Well, that is not the way it works in the drought regions. The Red Cross makes men work for what they get at the rate of $1 a day, and in many instances compels them to work for some one to whom they owe a debt.

Go to Benton, Ark., and you'll find this to be true.

RUN BY EMPLOYING CLASS

The Red Cross there, as in the whole of Arkansas, with a few shining exceptions, is run by employers of labor, plantation owners, and the local self-appointed guardians of the rest of the populace.

Benton is a city of 3,000, 22 miles southwest of Little Rock, with factories shut down or working part time and 300 men out of work. The city scale for work done by ordinary labor was from $2 a day up.

The mayor and other Red Cross officials evolved a scheme to have the unemployed clear out ditches, cut underbrush, and clean up a cemetery. They were paid by the Red Cross 15 cents an hour, or $1.20 a day, each man getting three days' work. But they were paid in orders on local merchants.

Naturally, there was considerable objection to forcing men to work for 15 cents an hour. Anybody could see that would tend to lower the wages of those who had jobs. It might be well to note that those forced to work for 15 cents an hour were white Americans.

"MAKE 'EM WORK"

Protests against this wage-cutting campaign were answered by well-fed gentlemen loafing around hotel lobbies with the statement:

"That's the way to do. Make 'em work for what they get. Those 'bums' wouldn't work at all if they weren't forced. I don't believe in giving anybody anything. Make 'em work for it. Why, if those 'hill billies' find out they can get something without working they'll never work."

That brand of insult is not the least of the burdens that sufferers in Arkansas have to bear, and they are beginning to manifest resentment.

About 4 miles from Benton the State is to build a hospital for the insane at a cost of $300,000. A subcontractor started to clear the grounds preparatory to building. It is said he is from Oklahoma and some men working for him told the men of Benton that the contractor paid 35 cents an hour for common labor.

CONTRACTOR FOLLOWS EXAMPLE

The mayor of Benton called on the contractor's representative, told him there were 300 jobless men in Benton whom he would like to see employed, and incidentally mentioned the fact that those unemployed worked for 15 cents an hour.

The contractor thereupon fixed a rate of 20 cents an hour, and the men of Benton were soon up in arms, some of them saying the mayor told the contractor not to pay more than 15 cents an hour. An investigation shows that all the mayor did was to tell what the Red Cross was paying men who were working for the city. His honor and the other officials of the Red Cross at Benton had fixed a rate of 15 cents for city work, and naturally the contractor took advantage of the situation.

TWO DOLLARS A WEEK

Right in that city of Benton the Red Cross "gives" part of your dollar to a sufferer in the following manner: Let us suppose the unemployed man is married with a wife and two children.

He must unload potatoes for $1 a day, and then only for two days. Two dollars a week on which to feed four people. And, remember, he doesn't get money, but an order on a merchant for $2 worth of food.

It may be said that is an isolated instance and not general—unfortunately it is general.

In Clay County the Red Cross is compelling those who are indebted to plantation owners and others to work out their debts at a dollar a day.

The Red Cross gives them an order for one dollar's worth of food for every day they work for their creditor.

BECOMES COLLECTION AGENCY

Understand, those unfortunates do not owe the Red Cross a cent. They are not working for the Red Cross. They are working for a private individual to whom they owe money, and the Red Cross will not feed them unless they take the employment offered.

Thus the Red Cross is used as a collection agency that makes unfortunates work for twice as many days to pay off a debt as they would in normal times.

Then over in Poinsett County the regular price for clearing and grubbing an acre of ground was $10. The Red Cross has taken over the job of clearing and grubbing for $6 an acre and makes drought sufferers work at that clearing and grubbing if they want to eat—gives them an order for $1 on a local merchant for each day's work.

AFRAID TO TALK

Those are facts. Any investigating committee can discover them as easily as the writer did. In fact, no one tries to hide them. Those responsible are rather proud of what they're doing—they "ain't going to let those bums get into the habit of not working."

Here is something that sticks out like a sore thumb: The unfortunates receiving "benefits" from the Red Cross—whites, not negroes—are afraid to be seen talking to anyone seeking information. They'll tell you, "I'm afraid, mister. If I say anything, I'd most likely get taken off the list."

Afraid of losing even the dole they are working a whole day for!

The Red Cross in Arkansas is run by a Power Trust official and minor and local officials of the Red Cross are of the same type.

CHARITY IS COMMERCIALIZED

Many citizens of Arkansas who are able to take care of themselves are not happy over the situation. A prominent merchant said to this writer:

"The whole trouble with the Red Cross is that it is commercialized. Men who have something to sell should not be placed in control, either in the State or locally.

"Here in this store I have filled an order for $6 for a brother of a Red Cross official—given him though he had not earned it—while in no other instance has any order for more than $3 been presented. Usually the orders are for $2.

"The county agricultural agent and the county physician should be made the dispensers of relief funds. They know who are in need. They are not in politics or business, have no financial or political axes to grind, and would not be used to cut down wages and thereby make destitution and misery a permanent condition, as the present management of the Red Cross is doing.

"The Red Cross is not a charitable institution at present, nor will it be while those who now control are in power."

PLANS OF RED CROSS

John Barton Payne, chairman of the American Red Cross, last week issued an emphatic denial of the statement that his organization expected to abandon its charitable work in the drought regions on March 1.

A short time before, Congressman SANDLIN, of Louisiana, had received a letter from Everett Dix, assistant manager of the Red Cross for the eastern area, informing him that instructions to shut down on March 1 had been sent into Southern States.

Red Cross headquarters supplemented Mr. Payne's declaration with the statement that "general feeding" would stop on March 1.

It is difficult to reconcile these conflicting statements.

RELATION OF INLAND WATERWAYS TO AGRICULTURE

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent to have printed in the RECORD a thoughtful and scholarly address by Col. George C. Lambert, of St. Paul, Minn., secretary-treasurer of the Farmers' Union Terminal Association and chairman of the executive committee of the Mississippi Valley Shippers' Conference. The address was delivered over the radio on February 23, 1931, and explains the relation of the development of the inland waterways to agriculture.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE RELATION OF THE INLAND WATERWAYS TO AGRICULTURE

(By Col. George C. Lambert, of St. Paul, Minn., secretary-treasurer, Farmers' Union Terminal Association, chairman executive committee, Mississippi Valley Shippers' Conference)

In the brief time allotted to me I propose to discuss more specially the relation of the inland waterways to agriculture. I am fully conscious, however, of the importance of water transportation to industry and labor, whose interests are so closely identified with the welfare of agriculture. One economic group can not continue to prosper while either of the others is in distress and deprived of its income.

PRODUCER-CONSUMER

Under the complex relations created by the covenant of society, individuals have become absolutely dependent upon one another for existence. They must rely upon their ability not only to produce but also to exchange or sell their product, their labor, or their services in order to procure the necessaries of life and the things that make up our established standard of living. In that sense all members of society are both producers and consumers. These functions are inseparable and reciprocal. The consuming power of the public is therefore measured by the ability of the individual members or groups of society to find and reach a market for their product. And, under modern conditions and the pressure of competition, transportation has become a great factor, indeed the controlling factor, in bringing into close contact the various activities of a country and establishing its markets.

THE FARMER AND INDUSTRY

In the United States, and more particularly in the mid-West, agriculture is the principal industry, the basic industry, and upon its welfare largely hinges the prosperity of the other groups. The farmer, as a class, is the biggest shipper in the world, and pays freight on his products for a longer distance than any other shipper. As a rule, he has no control over his selling price, either foreign or domestic; that is fixed in the world's markets. He can not, like the dealer or distributor, add the freight to his cost and pass it to the consumer. He stands at the end of the line and pays the freight both ways. The farmer is now concededly operating at a loss, and is therefore vitally interested, not only in the relative level of freight rates but in the primary cost of every form of transportation which is deducted from his selling price or added to his costs. Industry and commerce, in the agricultural States, are to a large extent dependent for their markets on the net income or purchasing power of the farmer. They are, therefore, equally interested in the reduction of the farmer's costs and in the restoration of his income.

THE FARMER PAYS ALL THE FREIGHT

On the staple commodities, of which we produce a surplus, the farmer pays the freight, not only to the primary market but also to the foreign market, regardless of the fact that his product may never reach that market. To illustrate: The price of wheat at a local point in Montana is based on the Minneapolis price less freight (and other charges) from the local point to Minneapolis, and the Minneapolis price is based on the Liverpool price less freight (and other charges) from Minneapolis to Liverpool. The farmer thus bears the entire burden of transportation, and pays the freight and all intermediate charges from the farm to Liverpool. And that is true, not only of the grain moved to Liverpool but of grain that never moves beyond the local or primary market. This situation was clearly brought out by Mr. Hoover, then Secretary of Commerce, in his statement before the Committee on Rivers and Harbors, January 30, 1926, when he said:

"It seems to be certain that the cost of transportation to these competitive markets must be deducted from the farm price, and that it not only affects the actual grain moved to these markets but establishes a lower comparative price level for all grains produced.

And that is not all. When the farmer buys the rule is reversed and he pays the freight on everything that enters into his cost of production. It is a typical case of "heads I win and tails you lose." It would, therefore, be difficult to find an economic group more vitally interested in the cost of transportation than agriculture. At the same time there is, perhaps, no group so helpless and so unprepared to solve the complex transportation problems that confront it. Unlike industry, agriculture is not organized; it has no traffic bodies of trained men whose business it is to study these problems, to meet the traffic experts of transportation companies, and resist the constant pressure of the carriers for higher freight rates.

DISTANCE TO MARKET

From the flagpole on the agricultural college campus at Fargo it is over 1,500 miles to the Atlantic Ocean, to the Pacific Ocean, to Hudson Bay, or to the Gulf of Mexico. We are in a landlocked area, far from the seaboard. Our products, to be of any value, must reach the consumer, and the centers of consumption are on the seacoast or in foreign lands. Ten years ago the Secretary of Agriculture, describing the plight of agriculture in his official report, said:

"The cost of getting farm products from the farm to the consumer's table has increased tremendously during the past three years. The freight charge is very nearly doubled, and in some cases more than doubled. When wheat was selling at $2.50 per bushel, corn at $1.75, cattle and hogs at $16 to $22 per hundred, cotton at 30 cents per pound, the increased freight rate was not a serious matter. It amounted to but few cents, relatively, and was a small item in the total price. But with wheat at $1, corn at 48 cents, cattle and hogs at $7 to $10 per hundred, cotton at 17 to 20 cents (all these being primary market prices, not farm prices), the addition of even 10 cents per bushel or per hundred pounds imposes a burden grievous to be borne. When farm prices are ruinously low any addition to the freight charge means added distress. At the present time the cost of getting some farm products to market is greater than the amount the farmer himself receives in net return. And the heaviest freight burden naturally falls on those farmers who live in our great surplus-producing States.

"Not only do the very large advances in freight rates impose a heavy burden on the producers of grain and livestock, cotton and wool, but on the growers of fruits and vegetables as well. Indeed, some of the latter have been compelled to see their products waste in the fields because the prices offered at the consuming markets were not large enough to pay the cost of packing and transportation."

Conditions have not improved for agriculture since these words were spoken. Little hope is entertained for reduced rail rates; the tendency is the other way because of the fixed relation be-

tween the rate and the capital charge. No substantial relief is held out by the Interstate Commerce Commission under present decisions of our courts. Commissioner Joseph B. Eastman, a member of the commission, a man of recognized ability and long service, tersely states the situation in these words:

"Under the valuation doctrine the capital charge, in the case of privately owned utilities, can apparently never be reduced or eliminated by any sinking fund or other similar provision; it is a perpetual millstone around the public neck; and it may double in weight without any change in the underlying property if the reproduction-cost theory is finally sustained."

And that theory has since been sustained. Obviously, the only remaining hope of agriculture, and for that matter of industry, in this region lies in the development of water carriage to supplement rail transportation. The Mississippi system and the Great Lakes offer such opportunities. In spite of the unfinished condition of most of these channels they are already exerting a powerful influence in the regulation of rail rates.

RAIL AND WATER COSTS

The relative cost of transportation by rail and by water was aptly shown in a statement of the Secretary of Commerce issued at Kansas City, Mo., October 19, 1925. He said:

"If we have back loading, 1,000 bushels of wheat can be transported 1,000 miles on the Great Lakes or on the sea for $20 to $30; it can be done on a modern-equipped Mississippi barge for $60 to $70, and it costs by rail from $150 to $200. These estimates are not based upon hypothetical calculations but on the actual going freight rates. The indirect benefits of the cheaper water transportation to the farmer are of far wider importance than the savings on individual shipments might indicate. In those commodities where we are dependent upon exports for a market—and upon some domestic markets—the price level will be determined at the point where the world streams of that commodity join together in the great markets. Thus the price of wheat is made at Liverpool, and anything that we can save on transportation to Liverpool is in the long run that much in addition to the farmer's price. And it is not an addition solely to the actual goods which he may have shipped to that market, but it lifts the price level in our domestic market on the whole commodity in this same ratio. Thus, if we can save from 5 to 7 cents a bushel additional by the completion of the Mississippi and Great Lakes systems, we will have added a substantial amount to the income of every farmer in the Middle West."

Freight is carried on the Great Lakes at 1¼ mills per ton-mile and yields a profit. Ocean shipping earns from 1 to 3 mills per ton-mile, depending on the class of tonnage, the port of destination, and the return cargo. On the inland rivers, freight is carried by the Mississippi-Warrior service at 3.92 mills per ton-mile on incompleted channels, and it has been carrying bulk commodities, such as wheat, profitably at 2½ mills per ton-mile. On the Class I railroads, in 1929, freight was carried at 11 mills per ton-mile. Last year the Monongahela River, a tributary of the Ohio, carried 30,000,000 tons of freight, mostly coal, from the mines in West Virginia to Pittsburgh at a rate of 19 cents per ton as against a rail rate of $1.14 per ton, or six times the water rate.

The Pittsburgh Traffic Bureau is authority for the statement that rail freight on steel products from Pittsburgh to New Orleans is from $10 to $13 per ton, depending on classification, and the barge rate (Steel Co. fleets) is a flat $3 per ton, with all proper charges against the operation, including the return of empties. The Ohio is completely canalized (slack water) for its 1,000-mile length, and it has 50 locks and dams.

COMPETITIVE AND NONCOMPETITIVE RATES

The prices of all commodities, including transportation services, are greatly influenced by competition. Hence where competition is eliminated rates are higher. Water transportation, where its influence can be felt, either directly or through joint relations with railroads, acts as a stabilizer of rail rates.

For instance, the rail rate on grain from Havre, Mont., to the Twin Cities, 905 miles, is 39½ cents per hundred pounds. The rail rate, Duluth to Buffalo, 976 miles, is 32 cents, and the water rate for the same haul is 3½ cents.

The grain export rate, Twin Cities to New Orleans, 1,240 miles by rail, is 31 cents. By barge over the Mississippi River, 1,829 miles between the same points, the rate is 14.8 cents.

To illustrate the crushing weight of dry-land rates on these sections that are not favored with water competition, let us take the case of a farmer in Montana Last week, February 18, 1931, the local market price of rye at Ledger, Mont., was 5 cents per bushel. This price was based on the Minneapolis price of 37 cents, less 25 cents per bushel (44½ cents per hundredweight) for freight, and 7 cents for intermediate handling charges and commissions. And out of this local price of 5 cents, this farmer had paid not less than 7 cents for threshing besides his entire cost of production.

The Interstate Commerce Commission recently prescribed new maximum rates which the railroads are permitted to charge for carrying wheat from country elevators to primary markets, such as the Twin Cities, the Missouri River, and St. Louis. These rates must be put into effect by April 1, 1931.

Farmers at Forsyth, Mont., on the Milwaukee and Northern Pacific, 743 miles west of the Twin Cities, and Glasgow, Mont., 752 miles west on the Great Northern, under this order will pay 20.4 cents a bushel for having their grain hauled to market at the Twin Cities. If this wheat is marketed in Liverpool, the railroads will haul it east from the Twin Cities to Montreal, 1,125 miles, for the same freight rate, because the water lines down from Duluth to Montreal during the season of open navigation on the Lakes will haul it much cheaper than this and the railroads want to encourage some of the wheat to move over their lines while the Lakes are closed by ice. From April to November the wheat can move down by water from Duluth to Montreal for 8 cents a bushel. With the completion of a good dependable 9-foot channel from the Twin Cities to St. Louis, this wheat can be profitably hauled from the Twin Cities down to New Orleans, a distance by water of 1,850 miles at the same rate of 8 cents a bushel.

This is also the rate which, on April 1, the railroads will charge for bringing the farmers' wheat to the market at the Twin Cities from Staples, on the Northern Pacific, a distance of 141 miles, from Evansville, 159 miles west on the Great Northern, from Glenwood on the Soo, 133 miles west, or from Appleton, Minn., 157 miles west of the Twin Cities, on the Milwaukee Road. In other words, on the basis of the facts as they now exist, the Mississippi River or the Great Lakes can and do haul the wheat of the Minnesota farmer ten times as far toward the markets which fix his price as the railroads can afford to haul it for the same money. This is a fact of such tremendous importance to all the farmers of the Northwest that it ought not to be lost sight of, and it is the point I desire to emphasize. The early completion of the 9-foot channel in the Mississippi River to the Twin Cities, now authorized by Congress and under construction, gives to all Northwestern grain the choice of the Lake market at Duluth and the River market at the Twin Cities, with its great milling demand. And the price at both these markets, when the river is fully in use, will be controlled by a transportation cost beyond the Twin Cities which is but a small fraction of the cost of bringing the grain to these markets by rail. Without these cheap water outlets grain farming in the Northwest must soon become ruinous because of the great distance of these grain fields from the world markets which fix the price to be paid for grain at the farm.

The same thing is true of the wheat fields of the Southwest, another land-locked section.

The commission has fixed the export rate by rail on wheat from St. Louis to New Orleans, to become effective April 1, at 8.4 cents a bushel. The rail distance is 700 miles. The barges will carry it down to New Orleans from St. Louis, a distance by river of 1,150 miles, for 5 cents a bushel, or less. Scott City, Kans., is 700 miles west of St. Louis on the Missouri Pacific. Liberal, Kans., is 700 miles west of St. Louis on the Rock Island, and Shattuck, Okla., 700 miles west on the Santa Fe. The rate on wheat from these stations by rail to St. Louis markets on April 1 will be not less than 18.5 cents a bushel. This is more than twice the rate which the commission has ordered the railroads to charge for carrying the farmers' wheat on down from St. Louis to New Orleans, where there is active water line service. This rate from these Kansas and Oklahoma points 700 miles distant from St. Louis is nearly four times as great as the rate of 5 cents a bushel, at which the barge lines will take the wheat from St. Louis on down to New Orleans, a water distance 60 per cent greater than the rail haul to St. Louis.

The manufacturer, under these conditions, does not fare much better than the farmer. One of the largest manufacturers of agricultural implements in the world is located at Moline, Ill., with an extensive market on the Pacific coast. The rail rate on agricultural implements from Moline to the Pacific coast is $1.86 per 100 pounds. The rail and water rate from Moline to the Pacific coast, traveling 1,000 miles east to Baltimore and thence by water around the Panama Canal to the West coast, is $1.28 per 100 pounds. The water rate from Baltimore to the Pacific coast is 65 cents per 100 pounds. Baltimore is near the steel districts, and agricultural implements can be manufactured there at least as cheap as in Moline. This industry was saved, however, for the mid-West by the barge line recently established on the Mississippi River, and is now shipping through the Gulf at an all-water rate of 75 cents per 100 pounds. This case is typical of many others and explains the gradual loss or migration of our industries to more favorable locations.

THE TRANSPORTATION ACT AND THE PANAMA CANAL

We are now witnessing the culmination of a legislative policy, far-reaching in its consequences, which had its inception in the enactment of the fifteenth section of the transportation act of 1920. This section, in effect, directs the Interstate Commerce Commission to so mold rate adjustments as to secure a fair return for investors in rail securities, a privilege accorded to no other form of transportation. The result has been a persistent, unremitting urge for higher and higher rates. These additional levies could not be made upon those sections where the rate structure was anchored by water competition. The burden, therefore, fell and must continue to rest with ever-increasing weight upon the dry-land areas, the agricultural districts, who are least able to bear it. And the end is not in sight. The recent decision of the Interstate Commerce Commission in the Western Trunk Line class rate case, to become effective April 1, 1931, is so harsh in its application to mid-West shipping that Commissioner Porter, dissenting, exclaims:

"Such increases are staggering; they are bound to put many shippers out of business."

With the adoption of this policy came the completion of the Panama Canal, which opened a new water route between the Atlantic and Pacific seaboards, longer when measured by distance, but substantially shorter when measured by water rates. The Middle West, though assessed for the cost of this improvement, was excluded from its benefits because it then lacked the fore-

sight to demand access to the canal through the Mississippi system. The result was complete isolation and the loss of our Pacific coast markets.

Mr. Hoover, in a report filed by him in Congress in 1927, describes the situation as follows:

"In the mid-West, the territory tributary to any of these projects, the economic situation is considerably distorted; there is much agricultural distress and incessant demands for remedial legislation. This situation to a large extent has been brought about by transportation changes. Increases in railway rates since the war force the mid-West farmer to pay from 6 to 12 cents more per bushel to reach world markets than before the war. Foreign farmers produce close to ocean ports and pay but little, if any, more than pre-war costs, because shipping rates are substantially at pre-war levels. While it is true that these rate increases apply only on the exports of grain, nevertheless the price which the farmer receives in foreign markets is the principal factor in determining his return upon the whole crop, not alone the export balance. It is this transportation differential that is, unquestionably, one of the most important causes for our present agricultural depression.

"Coincident with these increased rail rates, the mid-West has also been affected adversely by the operation of the Panama Canal. Cheapened water transportation has brought the coasts relatively closer together at the same time that increased rail rates, figuratively speaking, have moved the mid-West farther from seaboard. This situation has been expressed graphically by setting up a new measuring unit in the shape of the number of cents that it takes to move a ton of freight. By using this measuring rod it can be stated that for a certain manufacture these postwar influences have moved Chicago 336 cents away from the Pacific coast, while New York has been moved 224 cents closer to the Pacific coast. These factors operate reciprocally and not only place a handicap on the outbound products of the mid-West, but also add to the costs of inbound supplies."

THE RETROGRESSION OF THE MID-WEST

The effect of these handicaps on the economic development of the mid-West is most serious. We are not only failing to progress, but we are actually losing ground. The number of manufacturing establishments in the mid-Western States has steadily decreased since the opening of the Panama Canal, and to-day the number of these establishments is smaller than it was 30 years ago. This confirms the recent findings of the special board of United States Engineers assigned to the survey of the upper Mississippi River, who reported that "industries have not located in this area because transportation costs, both on raw material and on finished products, have been so high as to dictate their location elsewhere," and that "the grain producer has had little choice but to sell at one price to the one market."

Even our population has not kept pace with the rest of the country, and as a result of the last census our representation in the next Congress will be materially reduced. Missouri will lose 3 Representatives in the next Congress; Kansas, 2; Nebraska, 1; South Dakota, 1; North Dakota, 1; Minnesota, 1; Wisconsin, 1; Iowa, 2; Indiana, 2; Kentucky, 1, and Tennessee, 2. These States will suffer a total reduction of 17 in their representation in Washington, while the States of Michigan, Ohio, New York, New Jersey, Florida, Texas, California, and Washington, all of which enjoy the blessings of cheap water transportation, have gained a total of 25 Representatives in Congress.

This situation presents a grave problem for the Middle West, a problem which involves not only the farmer, the manufacturer, the laborer, and the merchant but the western railroads as well. For how long will the farmer, whose income has been wiped out, continue to ship grain which he can only raise at a loss? How long will the factory continue to employ labor and create tonnage for the railroad in a section where it must sooner or later be crushed by outside competitors enjoying more favorable rates? Yet, under the conditions I have described, the railroads can not alone meet our problems, and their executives have frankly said so.

Clearly the remedy lies in a cheaper form of transportation which will bring this landlocked interior closer to the seaboard and closer to the markets of the world. Water transportation through the development and use of our rivers—the great highways which nature has provided—is our only solution.

James J. Hill, the empire builder of the Northwest, who boldly pushed his road to the Pacific coast, was guided by his vision of ultimate returns, predicated not on a division of existing tonnage but on the development of new tonnage to be created in the midst of northwestern industry and agriculture. Mr. Hill had a keen appreciation of the waterway to the railroad when he said:

"You can not find a man eminent in the railroading in this country who is not also an ardent advocate of waterway improvement. The future of the waterway is assured, not so much as a competitor but as a helper of the railroad."

And the prediction of Mr. Hill has already been realized on the Ohio River, whose banks are lined with factories receiving their raw material by water and distributing the finished product by rail. The tonnage of the railroads paralleling this stream has been materially increased, while the water tonnage carried by the Ohio River and its tributaries is nearly double that of the Panama Canal.

The helpful relation of the waterway to the railroad is further brought out in the report of the Chief of Engineers, United States Army, 1929, which shows that the total tonnage on all rivers, canals, and connecting channels of the United States (exclusive of the tonnage handled on the Great Lakes and seaports) amounted, in 1922, to 111,800,000 tons, valued at $3,177,900,000, or a unit value of $28.42 per ton. In 1928 this tonnage had increased to 227,300,000 tons, valued at $3,888,000,000, or a unit value of $16.88. These figures are highly significant and suggest that the rivers, while increasing their tonnage rapidly, are gradually yielding to the railroads the more profitable classes of freight. They are assuming the burden of carrying the raw material to the factory at rates which will make possible the development of new industries. And this explains the greater increase in tonnage enjoyed by railroads paralleling rivers and in competition with barge lines.

THE MISSISSIPPI RIVER SYSTEM

A glance at the map reveals the Mississippi and its tributaries as the natural channels of mid-West trade. Rooted at the Gulf, the trunk and branches of this system penetrate our best fields of production. The Mississippi Valley contains 98 per cent of the iron ore of this country, 70 per cent of its known petroleum resources, 82 per cent of its coal deposits. It produces 70 per cent of our agricultural products and 68 per cent of our exportable products. In the improvement of these arteries of commerce lies the hope of the mid-West for relief from the oppressive rates now stifling its development.

Of special interest to western agriculture is the improvement of the Missouri River and of the main channels of the Mississippi River with its western tributaries. These streams tap the States of Montana, North Dakota, South Dakota, Minnesota, Wisconsin, Nebraska, Iowa, Illinois, Kansas, Missouri, Kentucky, Oklahoma, Arkansas, Tennessee, Mississippi, Texas, and Louisiana. Eastern tributaries of the Mississippi River bring in the products of the States of Alabama, Indiana, Ohio, Pennsylvania, West Virginia, and North Carolina.

Through joint relations with railroads, now provided in the Shipstead-Denison Act, these products can be brought by rail to the river crossings, and thence participate in the benefits of water transportation to destination

The clear vision of President Roosevelt, the builder of the Panama Canal, as to the potential value of the Mississippi system is revealed in his special message to Congress dated February 26, 1908:

"Our river systems," said President Roosevelt, "are better adapted to the needs of the people than those of any other country. In extent, distribution, navigability, and ease of use, they stand first. Yet the rivers of no other civilized country are so poorly developed, so little used, or play so small a part in the industrial life of the Nation as those of the United States. In view of the use made of rivers elsewhere, the failure to use our own is astonishing, and no thoughtful man can believe that it will last."

IMPROVEMENT OF INLAND WATERWAYS

The waterway, like the road, is a public highway. It is not reserved to the use of a single transportation company like the railroad right of way. It is free to all, not only to common carriers but also to private carriers and to the public generally. It is a part of the national domain and should be treated as such. The application of public funds to the construction, improvement, and maintenance of roads and waterways is in the nature of a capital investment. It creates a new asset, the value of which is measured by its potential and beneficial use to the public and to the Nation.

The consideration, therefore, which should influence the expenditure of funds in the improvement or construction of a public highway, by land or by water, are its cost and its benefits; its cost under the most efficient methods of financing and construction, its benefits when all elements have been taken into consideration and each factor has been assigned its proper weight.

The appraisement of benefits to be reasonably expected from this expenditure should be based on the life, nature, and extent of the improvement. These benefits include the economic necessity for the improvement, the opportunities for savings in the cost of transportation services, the proper readjustment of economic relations, the development of new markets and new industries, the control of floods, the conservation of waters in lakes and streams for recreational and commercial purposes, the strategic value of the improvement in the scheme of the national defense, possible water-power development, and any other elements that may contribute to the prosperity of the country or to the taxable income of its people.

The Midwestern States, who have been injured by the construction of the Panama Canal, have a special right to demand that their balanced trade relations, destroyed by governmental action, be speedily restored, and that the benefits of the Panama Canal be extended to all those who were assessed for its cost. The duty to correct these distorted conditions rests with the Government responsible for their creation.

THE NATIONAL WATERWAYS PROGRAM

A broad view of our economic needs and a study of these problems led Mr. Hoover, then Secretary of Commerce, to formulate a program for the development of our inland waterways. Describing the two great trade routes, Mr. Hoover said in his Minneapolis address, July 20, 1926:

"One of them is an east and west waterway across half the continent, from Pittsburgh to Kansas City, along the Allegheny, the Ohio, the Mississippi, and the Missouri Rivers. The other, a great north and south waterway across the whole Nation, reaches up the Mississippi from the Gulf, dividing into two great branches, one to Chicago and extending thence by the Lakes to Duluth, the other through the upper Mississippi to the Twin Cities."

The necessity for a speedy development of this program was also emphasized by Mr. Hoover when he said, in the November, 1928, issue of the National Inland Waterways:

"The Nation has dillydallied upon it for years, and to-day even the work which has been well done lies in disconnected segments which are as much the negation of a real transportation system as the New York Central would be if it were made of alternate narrow and broad gage tracks."

And finally the President, in announcing the program of his administration in relation to the development of an inland waterway system, at Louisville, October 23, 1929, said:

"Some have doubted the wisdom of these improvements. I have discussed the subject many times and in many places before now, and I shall not repeat the masses of facts and figures. The American people, I believe, are convinced. What they desire is action, not argument. We should establish a 9-foot depth in the trunk system. We should complete the entire Mississippi system within the next five years. It is of the nature of a capital investment."

This program is now well under way as far as it covers the States east of the Mississippi River. The Ohio River project, including the Monongahela, is completed. Means have been provided to complete the Illinois River project within 18 months. This improvement will connect Chicago by water with the Gulf. Harbor improvements on the Atlantic and Pacific Oceans are being vigorously pushed. But that part of the program covering the dry-land sections west of the Mississippi River, the agricultural sections in greatest need of relief, has not progressed as rapidly as to justify its completion within five years. Unless positive action is taken to properly finance the works of construction authorized by Congress on the upper Mississippi, the Missouri, the Arkansas, and other western tributaries of the Mississippi River, the completion of these improvements may be delayed beyond the life of the present generation. These delays are due in part to opposition, now gaining in force, and more specially directed at this form of relief for the Northwest and Southwest.

THE OPPOSITION

It is inconceivable that anyone could be found in this section so disloyal as to oppose a development in which the economic life of the mid-West is at stake. Yet we have opposition, and strong opposition, and it is well to analyze it so that it may be properly met. This opposition proceeds from two sources, from those interests who are engaged in the exploitation of the Middle West and are not concerned in its development, and from those who lack information or have been supplied with misinformation as to the needs of their section.

To the latter group my remarks are specially addressed, for in a democracy no group, social or economic, can progress beyond the understanding of its own members. This truism accounts for the inertia or stagnation of many individuals and groups and for much ill-advised action in matters involving their immediate welfare. It explains their seeming acceptance of a state of subservience to other groups in the economic life of the Nation.

The other class of opposition is dangerous because it is active and well financed. It is composed of those who have, or believe they have, become the beneficiaries of the economic losses of the mid-West and refuse to relinquish their temporary advantage. We find the railroad executives, under strong pressure from eastern holders of railroad securities, oppose anything which will interfere with their demands for more revenue and higher rates. And this was not wholly unexpected or unforeseen. The passing of western railroad ownership to eastern control so impressed the substantial western business interests that the Chicago Tribune, reflecting the views of these business men, has for years kept at the head of its editorial columns the slogan "Purchase of western railroads by western investors." Western railroad owners and executives of the type and vision of James J. Hill have passed away, and we have now absentee ownership and distant control, not only of western railroads but of many lines of business that have been acquired or absorbed by eastern firms. We are confronted with a policy of exploitation as against a policy of development.

And the railroads of the country as a body are now preparing to ask Congress to see that busses and trucks on highways, steamships and barges on waterways shall pay taxes or license fees greater than they are now paying. They also demand that every vehicle which operates on a public highway or on a navigable lake, river, or canal shall have its rates fixed by the Interstate Commerce Commission. The clear purpose of all this agitation is to put all shipments back on railroad cars by making the cost of shipping by any other form of transportation so expensive that the shipper can use nothing but the railroad. And, beyond all this, the railroads insist that their own rates must not be further reduced. These proposed measures, they intimate, would tend to restore "the normal growth of freight traffic on the railroads." Yes, and it will continue the process of attrition which slowly strangles the mid-West.

At their meeting in Washington last November the railroad executives decided on a definite plan of campaign against the waterways. Their insidious attacks may be seen in newspapers and magazines. Professing to favor waterways, they oppose what they term a "subsidy" in their development and operation. Yet the records of the Interior Department in Washington show that the land grants to the railroads from the Federal Government alone amounted to 158,293,376 acres, consisting of fine agricultural lands, lands valuable for grazing, lands covered with valuable timber or filled with oils and precious metals. This acreage comprises an area twenty times the size of the State of Massachusetts and as large as the original thirteen States of the Union. In addition to this the railroads received valuable lands and other contributions from various States and subdivisions thereof.

As bearing upon the value of these lands in Minnesota, North Dakota, Montana, Washington, and Oregon, permit me to call your attention to an advertisement which the Northern Pacific Railroad inserted in the June issue, 1871, of the Manufacturer and Builder, a magazine published by Western & Co., 37 Park Row, New York, which reads, in part, as follows:

EXCERPT FROM AN ADVERTISEMENT

"The land grant of the Northern Pacific Railroad consists of 12,800 acres to each mile of track through Minnesota, and 25,600 acres per mile through Dakota, Montana, Idaho, Washington, and Oregon—the branch to Puget Sound having the same grant as the main line. The average for the whole length of the road and branch is over 23,000 acres per mile, and the total exceeds 50,000,000 acres.

"Governor Stevens, who repeatedly passed over the route, estimates that fully four-fifths of the Northern Pacific Railroad grant is good for cultivation or grazing, while much of the remainder is in the mountain belt, and is covered with valuable timber, or filled with the precious metals. With the road built through the midst of these lands, what is their money value? The lands of the Union Pacific thus far sold have averaged $4.46 per acre; the school lands of Minnesota, $6.30 per acre; the lands of the Illinois Central Railroad grant, $11 per acre. At even the average of $4 per acre, the lands of the Northern Pacific Railroad will pay for its construction and equipment, and leave the road free from debt, and one-half the lands unincumbered in the company's possession. At only $2.50 per acre, Government price, these lands will build and equip the road, leaving it free of debt, and place a surplus of $25,000,000 in the company's treasury."

Some of this propaganda paints the railroads as heavy taxpayers. The truth is that railroads, like other public-service corporations, merely act as tax collectors. The tax is included in the rate and passed to the shipper. The shipper is the taxpayer. The shipper, in his rates, also pays interest on the huge securities issued against the land grants converted into railroad property and capitalized by their owners.

THE MID-WEST PROGRAM

The program of the mid-West is as simple as it is urgent. It contemplates the speedy completion of the works of improvement ordered by Congress on the channels of the Mississippi system, and especially on the western tributaries which have been delayed in the past. The Secretary of War has promised that work on these improvements "will be continued as rapidly as sound engineering and sound economics will permit and as funds therefor are provided by Congress." And here again we meet the opposition. The program can be delayed by delaying the appropriations, and the opposition is for delay, for piecemeal work, which may continue indefinitely and leave all economic readjustments in such a state of uncertainty as to prevent investments in the work of rehabilitation and reconstruction.

They would have these projects dependent on small annual Budget appropriations, as was done in the last 25 years, and with similar results. The mid-West has suffered enough delay; it wants action; it demands a financial program which will give it the full beneficial use of these streams as soon as the engineers can complete the improvements thereon.

Roosevelt has shown the way in the construction of the Panama Canal by making available the proceeds of an internal loan, as needed, to supplement Budget appropriations and carry on the work on a scale that would insure its completion within the shortest period of time. And that is the business way, the only efficient way, of financing any adopted project.

The Shipstead-Mansfield bill, now pending in Congress, provides such a method of financing and completing all adopted river and harbor projects, including the connecting channels of the Great Lakes, within five years. This measure is timely in view of the depressed condition of the country. If passed, it will immediately furnish employment to hundreds of thousands of men; it will start in motion the wheels of industry and of transportation in manufacturing and handling the material needed in the construction of these works; it will save hundreds of millions of dollars in the primary cost of these improvements, and above all, it will remove the element of uncertainty and insure the early completion of these works for the beneficial use of the present generation.

UNEMPLOYMENT INSURANCE SYSTEMS

Mr. WAGNER. I desire to enter a motion. I move to discharge the Committee to Audit and Control the Contingent Expenses of the Senate from the further consideration of Senate Concurrent Resolution 36.

The PRESIDING OFFICER. The order will be entered.

INVESTIGATION OF POSTAL AFFAIRS

Mr. McKELLAR. I desire to enter a motion to discharge the Committee to Audit and Control the Contingent Expenses of the Senate from the further consideration of Senate Resolution 436, to investigate air and ocean mail contracts, use of mail tubes, proposed postal rate increases, and the erection of public buildings in small towns.

The PRESIDING OFFICER. That order will be entered.

RECESS

Mr. McNARY. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 32 minutes p. m.) the Senate took a recess until to-morrow, Thursday, February 26, 1931, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate February 25, (legislative day of February 17), 1931

CONSUL GENERAL

George C. Hanson, of Connecticut, now a Foreign Service Officer of class 4 and a consul, to be a consul general of the United States of America.

APPRAISER OF MERCHANDISE

Robert E. Lee Pryor, of Tampa, Fla., to be appraiser of merchandise in customs collection district No. 18, with headquarters at Tampa, Fla., to fill an existing vacancy.

COLLECTOR OF CUSTOMS

Edward M. Croisan, of Oregon, to be collector of customs for customs collection district No. 29, with headquarters at Portland, Oreg. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate February 25 (legislative day of February 17), 1931

ASSISTANT SECRETARY OF THE TREASURY

Arthur A. Ballantine to be Assistant Secretary of the Treasury.

MEMBER OF THE FEDERAL RESERVE BOARD

Eugene Meyer to be a member of the Federal Reserve Board for the unexpired term of 10 years from August 10, 1928.

ASSOCIATE JUSTICE, SUPREME COURT OF THE DISTRICT OF COLUMBIA

James M. Proctor to be associate justice, Supreme Court of the District of Columbia.

UNITED STATES DISTRICT JUDGE

E. Marvin Underwood to be United States district judge, northern district of Georgia.

DISTRICT JUDGE

E. Coke Hill to be district judge, division No. 3, district of Alaska.

JUDGE OF THE POLICE COURT, DISTRICT OF COLUMBIA

Isaac R. Hitt to be a judge of the police court, District of Columbia.

UNITED STATES ATTORNEYS

Alexander C. Birch to be United States attorney, southern district of Alabama.

Frederick R. Dyer to be United States attorney, district of Maine.

Frederick H. Tarr to be United States attorney, district of Massachusetts.

A. V. McLane to be United States attorney, middle district of Tennessee.

UNITED STATES MARSHAL

Osmund Gunvaldsen to be United States marshal, district of North Dakota.

MEMBER OF THE UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

Harry Bassett, of Indiana, to be a member of the United States Employees' Compensation Commission for a term of six years from March 15, 1931.

COLLECTOR OF INTERNAL REVENUE

William Duggan to be collector of internal revenue, second district of New York.

COLLECTOR OF CUSTOMS

Philip Elting to be collector of customs, district No. 10, New York, N. Y.

POSTMASTERS

ARIZONA

Arthur E. Weech, Pima.

ARKANSAS

James F. Hudson, Lake Village.
James G. Brown, Magnolia.

COLORADO

John M. Deitrich, Center.
James S. Proctor, Englewood.
Samuel H. Leipziger, Spivak.

DELAWARE

W. Bateman Cullen, Clayton.

GEORGIA

Clifford J. Williams, Bainbridge.
Lois A. Roberts, Bowman.
Ertha Garner, Buford.
Jacob S. Eberhardt, Carlton.
Herman E. Malaier, Chattahoochee.
Olivia F. Anderson, Chipley.
Charles E. Walton, Columbus.
Esther McCollum, Conyers.
George B. Wilkes, Cordele.
Herbert J. Knowles, Cuthbert.
Robert T. Broome, Danielsville.
John R. Barrett, Demorest.
Dallas Thompson, Fair Mount.
Fletcher N. Carlisle, Flowery Branch.
Stevens R. Owen, Gordon.
Columbus W. Fields, Hampton.
John C. Massey, Hartwell.
Mary F. Harris, Hogansville.
Bessie Waldrop, Jackson.
John L. Wilson, Locust Grove.
Edison Harbin, McRae.
Gertrude McCranie, Milan.
David M. McKee, Moultrie.
George H. Ray, Norwood.
John T. Bird, Oxford.
Frederick Bonner, Perry.
Bernie C. Chapman, Porterdale.
Dana M. Lovvorn, Richland.
William E. Fitts, Rocky Ford.
Thomas H. Anthony, Shellman.
Sam Tate, Tate.
Laurens G. Dozier, Thomson.
E. Stelle Barrett, Union City.
Robert Barron, Zebulon.

HAWAII

Alfred Ornellas, Makawao.

IDAHO

Wilber J. Selby, Eagle.

ILLINOIS

Edwin J. Langendorf, Barrington.
Thomas Turigliatto, Benld.
Paul M. Green, Bluffs.
Bert W. Gillis, Brocton.
Orville L. Davis, Champaign.
William S. Brownlow, Chapin.
A. Luella Smith, Chatham.
Harry B. Rigsbee, Downers Grove.
Fred S. Sharp, Elburn.
Thomas E. Richardson, Flanagan.
Walter C. Yunker, Forest Park.
Benjamin A. Miller, Geneva.
Herbert L. East, Highwood.
Syrena B. Roth, Hinsdale.
Charles T. O'Boyle, Ingleside.
Walter V. Berry, Irving.
Roy F. Dusenbury, Kankakee.
Walter F. Smith, Lake Forest.
Blanche V. Anderson, Leland.
Albert Krause, McHenry.
Michael J. Moore, Maple Park.

Ruth V. Nelson, Milford.
Robert M. Farthing, Mount Vernon.
Edward F. Davis, New Berlin.
Herman Meyer, Niles Center.
Albert O. Kettelkamp, Nokomis.
Charles F. Gaffner, Pana.
Russell Young, Rossville.
Mary A. Barkmeier, San Jose.
Gerald B. Weiss, Shipman.
Michael J. Donahue, Streator.
William W. Renton, Wheaton.
Emery S. Waid, Winchester.
Joseph C. Braun, Winnetka.
Lyman S. Graves, Wyoming.

INDIANA

Charles E. Elkins, Bourbon.
Burr E. York, Converse.
Ernest J. Gallmeyer, Fort Wayne.
William B. Hays, Garrett.
Charles W. Foulks, Goshen.
Ira A. Dixon, Kentland.
Don D. Nelson, Lagrange.
Charles H. Olinger, North Manchester.
Howard W. Dubois, Rochester.
Maude W. Zaring, Salem.
Arthur Tomson, Wabash.
Amanda B. Gosnell, West Terre Haute.

IOWA

Judson P. Holden, Delhi.
Wesley L. Damerow, Dows.
Frank P. Rotton, Essex.
William J. Campbell, Jesup.
John G. Ranous, Keota.
Albert L. Clark, Lanesboro.
Karl J. Baessler, Livermore.
Ben W. Stearns, Logan.
Ava Rigdon, Menlo.
Otto Anderson, Ossian.
Charlie M. Willard, Persia.
Clinton E. Myers, Radcliffe.
Leila N. Horn, South English.
Spencer C. Nelson, Tama.
Fred A. Hall, Van Wert.

KANSAS

Henry A. Luebbe, Horton.
Roger M. Williams, Lansing.
Frank E. Chapin, Minneapolis.
John P. Pierce, National Military Home.
Jessie I. Dickson, Neosho Falls.

KENTUCKY

Lucille C. Yates, Grayson.
Sister Marie M. LeBray, Nazareth.

MAINE

George J. Gott, Brooklin.
Ralph T. Horton, Calais.
Alma R. Weed, Monticello.

MARYLAND

Irving S. Biser, Frederick.

MASSACHUSETTS

Albert Holway, Bournedale.
William J. Lockhart, Falmouth.
John G. Faxon, Fitchburg.
Alice D. Robbins, Littleton.
Henry T. Maxwell, Millbury.
Alfred E. Smith, Nantucket.
Edgar O. Dewey, Reading.
Helen K. Hoxie, Sunderland.

MICHIGAN

David A. Kooker, Ewen.
Andrew Bram, Hancock.
Edward Barstow, Menominee.
Dorr A. Rosencrans, Reed City.

MINNESOTA

John Grutsch, Avon.
William C. Wiench, Bagley.
John O. Gullander, Belgrade.
Nelse Monson, Belview.
William B. Stewart, Bemidji.
Walter N. Ostrom, Braham.
Raymond R. Swanson, Bronson.
Nettie Layng, Bruno.
Patrick M. Dunn, Caledonia.
Walter B. Brown, Chisholm.
John R. Forsythe, Cohasset.
Nels A. Thorson, Crookston.
Helmer C. Bacon, Dawson.
Benjamin H. Peoples, Detroit Lakes.
Gunstein D. Aakhus, Erskine.
Odin D. Krogen, Fountain.
James Crane, Gilbert.
Frank H. Griffin, Good Thunder.
William Guenther, Hokah.
Fred G. Fratzke, Janesville.
Marie C. Bergeson, Lake Park.
Joseph J. Barta, Lonsdale.
Anna Thoennes, Ogema.
Herman O. Hoganson, Perley.
George L. Chesley, Pipestone.
Floyd H. McCrory, Rockford.
Otto C. H. Heinzel, Sauk Rapids.
Marion E. Isherwood, Sebeka.
James W. Featherston, Staples.
Jonas W. Howe, Stewartville.
Christian Scott, Truman.
Harry S. Gillespie, Virginia.
George N. Breher, Wadena.
William A. Clement, Waseca.
Fred F. Campbell, White Bear Lake.

MISSISSIPPI

Henry E. Wamsley, A. and M. College.
Huey O. Cash, Artesia.
Ethelbert B. Jones, Enterprise.
William O. Thompson, Lexington.
Laura E. Turnage, Tchula.
Luella H. Riser, Terry.
George O. Robinson, Tunica.

MISSOURI

Abraham B. Peters, Bonnots Mill.
James L. Creason, Camden.
John R. Edwards, Dawn.
Margaret C. Lester, Desloge.
Owen S. Randolph, Gideon.
Herbert S. Wilson, Hardin.
A. Russell Little, Holland.
Melvin Lutes, Lutesville.
Loyd R. Kirtley, Madison.
William E. Hodgin, Maitland.
Lewis M. Gamble, Mexico.
Samuel A. Chapell, Monett.
Fred A. Grebe, New Florence.
Dora S. Weise, New Franklin.
Henry C. Brantley, Newtown.
Ida F. Zeller, Oregon.
Charles Litsch, Perryville.
Ben B. Smith, Potosi.
Charles A. Bryant, Richland.
Nelle Woodall, Rushville.
Joseph V. Forst, Silex.
Alpha DeBerry, Stoutland.
Athol J. Michener, St. Louis.
Carl C. Wilson, Vandalia.
William F. Meier, Wentzville.

NEBRASKA

Robert W. Finley, Bradshaw.
Elmer E. Gockley, Edison.
Richard J. Ward, Rushville.

Harvey A. Loerch, Tekamah.
William E. Brogan, Tilden.
Wayne Mead, Western.

NEW HAMPSHIRE

Philip G. Hazelton, Chester.
Cora H. Eaton, Littleton.
Joseph H. Geisel, Manchester.

NEW JERSEY

Daniel A. DeVries, Carlton Hill.
Charles G. Wittreich, Chatham.
Elmer G. Houghton, Cranford.
William R. Mayer, Cresskill.
Norbert O. Simpson, Fort Hancock.
Richard Watt, Garwood.
Clayton E. Green, Glen Gardner.
Milton K. Thorp, Hackettstown.
Thomas J. Raber, Hampton.
Wilbert F. Branin, Medford.
Mina A. Crowell, Minotola.
Joseph R. Forrest, Palisades Park.
Harry Simmons, Rahway.
Henry R. Parvin, Ramsey.
James A. Harris, Wildwood.

NEW YORK

Elmer A. Arnold, Burdett.
Florence J. Davis, Cold Brook.
Alger Davis, Munnsville.
Robert A. Lundy, Ray Brook.
Albert A. Patterson, Willsboro.

NORTH CAROLINA

Theophilus H. McLeod, Buies Creek.
William R. Freshwater, Burlington.
William H. Parker, Carrboro.
Walling D. Vreeland, Fort Bragg.
Jasper R. Guthrie, Graham.
Elinor C. Cleaveland, Highlands.
Giles B. Goodson, Lincolnton.
Luther J. Tucker, Maxton.
Don H. Gosorn, Old Fort.
Samuel W. Watts, Southport.
Montgomery T. Speir, Winterville.
William F. Outland, Woodland.

OHIO

Linden C. Weimer, Dayton.
Lenna E. Seaver, Dorset.

OKLAHOMA

Otis C. Reed, Blanchard.
Isaac N. Ferguson, Harrah.

PENNSYLVANIA

George R. Steiger, Albion.
Whitfield Pritchard, Bangor.
John D. Moll, Bernville.
George C. Noblit, Brockway.
James C. Whitby, Bryn Mawr.
William Z. Mahon, Carlisle.
Patrick S. Lomire, Coalport.
Charles E. Taylor, Columbia.
William D. First, Conneaut Lake.
Earl H. Hilgert, Cresco.
Charles E. Ehrhart, Dallastown.
William E. Mutthersbough, Driftwood.
Joseph A. Hanley, Erie.
Winfield S. Smathers, Girard.
Thomas F. Fenstermacher, Halifax.
Liola R. Thoman, Hatboro.
Fred Etnier, Huntingdon.
Daniel M. Saul, Kutztown.
Edwin W. Dye, Lawrenceville.
George B. Stevenson, Lock Haven.
John H. Miller, Marietta.
Ira A. Dinger, Mayport.
Shem S. Aurand, Milroy.
Myles D. Hippensteel, Nescopeck.
James I. Decker, New Freedom.
Luna J. Sturdevant, North Warren.
Paul C. Rupp, Pitcairn.
Wade H. McKinley, Polk.
Moses C. Holtzinger, Red Lion.
Wallace C. Dobson, Southampton.
Anthen C. Messinger, Tatamy.
Hugh T. Williams, Union Dale.
William H. Smith, Valencia.
Russell C. Parry, Walnutport.
John W. Munnell, Waynesburg.
George S. J. Keen, Wiconisco.
Annie H. Washburn, Wyncote.
Nathaniel B. Klinedinst, York.
Elmer E. Brunner, York Haven.

PORTO RICO

Jenaro Vazquez, Central Aguirre.

RHODE ISLAND

May B. Lamb, Greenville.

SOUTH CAROLINA

Thomas E. Stokes, Darlington.
Fred Mishoe, Greelyville.
John H. Payne, Johnston.
Otis L. Edwards, Saluda.
Mary C. Price, Whitmire.

SOUTH DAKOTA

Bessie A. Drips, Gannvalley.
Israel R. Krause, Java.
Benjamin W. Ryan, Kimball.
Charles E. Smith, Lemmon.
Arnold Poulsen, Lennox.
Albert P. Monell, Stickney.
Frank E. Stephan, Tolstoy.
Olof Nelson, Yankton.

TENNESSEE

Sam A. Winstead, Dresden.
Edward C. Roberts, Harriman.
William T. Starbuck, Hohenwald.
Joseph R. Mitchell, Mascot.
Rufus C. Thompson, Milan.
Conley Collins, Morristown.
Methyr G. Booth, Oliver Springs.
Claris E. Akin, Rutherford.
Alice M. Greer, Sunbright.
Michel K. Freeman, Westmoreland.
Edgar S. Childers, Whitwell.

TEXAS

Mildred A. Wilder, George West.
Trevor W. Powell, Channing.
Peter W. Henry, Henrietta.
Harry B. Strong, Iredell.
Leroy H. Perry, Spur.
Perry Wendtland, Yoakum.

UTAH

Emerson B. Nason, Soldiers Summit.

VERMONT

Bernard W. Crafts, Bradford.
William B. Needham, Bridgewater.
Earle H. Fisher, Danville.
George H. Millis, Groton.
William C. White, Northfield.
Preston C. Skinner, Orleans.
Ruth S. Sheldon, Pawlet.
Cecil K. Hughes, Saxtons River.

VIRGINIA

Francis A. Haynes, Barboursville.
J. Gratt Gillespie, Bluefield.

Edwin L. Toone, Boydton.
William D. Austin, Buena Vista.
Blodwyn R. Jones, Cambria.
Agnes L. Ivey, Catlett.
Mary I. Wight, Charlotte Court House.
Rankin L. Emory, Chase City.
Gatewood L. Schumaker, Covington.
Blanche M. E. Harris, Crozet.
John W. Delaplane, Delaplane.
Daniel V. Richmond, Ewing.
Gunyon M. Harrison, Fredericksburg.
John D. Williamson, Fries.
Margaret I. Lacy, Halifax.
Robert A. Anderson, Marion.
Auburn L. P. Corder, Norton.
George W. Horton, Pennington Gap.
Ruth J. Stanley, Stanleytown.
Harry E. Marshall, Thaxton.

WASHINGTON

Fred W. Hoover, Eatonville.
Levi H. Niles, Ephrata.
Tolaver T. Richardson, Northport.
John F. Samson, Oroville.
James F. Greer, Pe Ell.
Andrew J. Cosser, Port Angeles.
Sydney Relton, Richland.
Jessie A. Knight, Shelton.
Edward Hinkley, Snohomish.
Clyde J. Backus, Tacoma.
Augustus B. Eastham, Vancouver.
Elmer M. Armstrong, Washougal.
Matthew W. Miller, Waterville.
Ira S. Fields, Woodland.

WEST VIRGINIA

David C. Garrison, Morgantown.
Harry R. Tribou, Tams.

WISCONSIN

Harry T. Ketcham, Abbotsford.
Ora C. Thompson, Argyle.
Joseph R. Frost, Avoca.
Henry J. S. Hanson, Bayfield.
Gleason E. Stoddart, Beaver Dam.
Nicholas Hubing, Belgium.
Floyd D. Bartels, Blue River.
Leon F. Pallister, Brandon.
Henry R. Pruemers, Burlington.
Elden T. Bentsen, College Camp.
Bernard A. Faust, Cross Plains.
Annie E. Nelson, Dresser Junction.
James W. Carlisle, Durand.
Richard J. Hansen, Elcho.
Ida Englesby, Eleva.
Albert L. Marsh, Elroy.
Grace E. Skinner, Endeavor.
Edward Schroeder, Granton.
Andrew J. Bosch, Gratiot.
Albert Liebl, Luxemburg.
Robert J. Harland, Marshall.
James D. Nicholson, Milltown.
Stephen S. Summers, Milton.
George B. Keith, Milton Junction.
Earle R. Schilling, Minocqua.
Carl V. Dahlstedt, Port Wing.
Louis A. Busse, Reedsville.
Cornelius P. Shea, St. Nazianz.
Charles L. Wolf, Sharon.
Susan D. Olson, Siren.
Joseph E. Kuzenski, Stetsonville.
John M. Albers, Thiensville.
Alphonse R. Eichman, Trempealeau.
Joseph F. Matts, Verona.
Mathias F. Adler, Waunakee.
Adolph C. Sveen, Westby.

HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 25, 1931

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

When we lift our thoughts and affections to Thee, Heavenly Father, we know that Thou art there. We would join the choral melody of the universe and ascribe honor and power, dominion and glory unto Him who sitteth upon the throne. O God, enable us to be courageous in every cause that is just, for there is no legacy richer than honesty. We have the power to stand and we have the power to fall, but ours is the divine right to stand. The Lord God help and support us. O it is fair fortune that extends her hand to the one of honest might. Succor those who may be in danger; break the snare for those who might fall and let the innocent go free. Abide with us, so that we shall be patient under trials, strong under burdens, and full of faith under clouds. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 9224. An act to authorize appropriations for the construction of a sea wall and quartermaster's warehouse at Selfridge Field, Mich., and to construct a water main to Selfridge Field, Mich.;

H. R. 15071. An act to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes; and

H. R. 15437. An act to authorize appropriations for construction at Tucson Field, Tucson, Ariz., and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 5644. An act to amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," approved May 23, 1928, as amended;

S. 6231. An act to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and the Navy"; and

S. J. Res. 112. Joint resolution concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va.

The message also announced that the Senate disagrees to the amendment of the House to the joint resolution (S. J. Res. 3) entitled "Joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NORRIS, Mr. BORAH, and Mr. WALSH of Montana to be the conferees on the part of the Senate.

STOCK-RAISING HOMESTEADS

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3820) to amend section 1 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill and Senate amendments.

The Clerk read the title of the bill and the Senate amendments, as follows:

Page 2, lines 5 and 6, strike out "other than naval petroleum reserves."

Page 2, line 11, after "same," insert "*And provided further,* That the provisions of this act shall not apply to naval petroleum reserves and naval oil-shale reserves."

Mr. GARNER. Mr. Speaker, I reserve the right to object. I do this for the purpose of propounding a query to the Speaker, if I may, and I do it in view of so many requests that have come to me in respect to when we are likely to vote upon the presumed veto of the President of the adjusted compensation bill. As I understand it from the press, the veto message is likely to be here to-day, or not later than to-morrow, if it comes at all. Would it be the disposition of the Speaker and the Republican organization to take it up immediately for consideration and vote?

The SPEAKER. The rule is that veto messages are immediately considered. It is in order to move to refer the message to the committee, to postpone until a day certain, or to table. Of course, the Chair would be guided by whatever action is taken at the time.

Mr. GARNER. And if the veto message came to-day or to-morrow it would be immediately considered in some way?

The SPEAKER. If no one of the motions to which the Chair has referred is made, the Chair would at once put the question.

Mr. GARNER. I have obtained the information for the reason that many gentlemen are away and want to know when this vote is coming up, because they want to be present.

Mr. RANKIN. And if a motion were made, the vote would come upon the motion immediately, would it not, Mr. Speaker?

The SPEAKER. Yes. Just as soon as the message is read some action is taken at once.

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object to the request of the gentleman from Utah. Will the gentleman state briefly what effect these amendments will have upon the bill which we passed?

Mr. COLTON. I yield to the gentleman from California [Mr. BARBOUR], the author of the bill.

Mr. BARBOUR. The bill as it passed the House provided for the filing of stock-raising homesteads on lands on which oil-prospecting permits had been filed. A reservation was made in the House bill excepting naval oil reserves. The Senate amendment adds to that exception naval oil-shale reserves.

Mr. LAGUARDIA. That is the only difference?

Mr. BARBOUR. Yes. In the exception naval oil-shale lands are included.

Mr. LAGUARDIA. As I recall the bill, it simply provided for grazing permits.

Mr. BARBOUR. It applies to the surface of the land only and provides that a stockman may go in and file a stock-raising homestead on the surface of the land, reserving all other rights to the Government.

Mr. COLE. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. COLE. Why are only the naval oil-shale reserves excepted? Why not all shale lands?

Mr. LAGUARDIA. The Government can not control private lands.

Mr. COLE. I mean all other Government property.

Mr. BARBOUR. These are public lands upon which oil prospecting permits have been issued, and the General Land Office has held that such lands are reserved and not subject to the stock-raising homestead act. The use of large tracts of land have thus been taken from the stockmen of the country as they have been unable to avail themselves of the benefits of the stock-raising homestead act. This bill permits them to file stock-raising homesteads on the surface of the land, and all other rights are reserved to the Government.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. STAFFORD. Then as I understand these two Senate amendments, the right to additional acreage for homestead entry shall not apply to the lands reserved for naval petroleum reserves or naval oil shale reserves?

Mr. BARBOUR. That is correct.

Mr. STAFFORD. It is restrictive and protective of the rights of the Government?

Mr. BARBOUR. Yes.

Mr. DYER. And it is not likely to result in another Teapot Dome affair?

Mr. LAGUARDIA. Oh, we can trust the cows and the bulls.

Mr. STAFFORD. It removes all possibility of such a condition?

Mr. BARBOUR. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Senate amendments were concurred in.

ACTIVITIES OF COMMUNISTS

Mr. ESLICK. Mr. Speaker, I ask unanimous consent that my colleague, the gentleman from Mississippi [Mr. HALL], may be granted the right to extend his remarks on communist activity.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Mississippi [Mr. HALL] may be granted leave to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HALL of Mississippi. Mr. Speaker, I feel that I can add but little on the subject of communists in the United States, since my colleagues, the gentleman from Tennessee [Mr. ESLICK] and the gentleman from West Virginia [Mr. BACHMANN] have so masterfully presented to the House the high points of the communist activities in America.

However, I feel too much can not be said regarding this important question, nor can the facts be marshaled too often to present to the public gaze this menace completely.

While I am aware that there is a large percentage of the membership of Congress who have from the beginning of the consideration of this subject, at the time of the creation of the committee of which I am a humble member, at the time its report was presented to this body, since which time, and at the present time, minimize our efforts and in one way or another scoff at the sacrifice which has been put forth to bring to the attention of Congress this subject. I am convinced that if this percentage of the membership of Congress understood the despisable methods of the communists in America, as I believe I do, their attitude would be different, and instead of contenting themselves in what they conceive to be mirth by employing expressions and insinuations to bring our disclosures into contempt, would be more serious in their consideration, and with more information would view the situation somewhat with alarm.

I have been often asked, "What is a communist?" In short, a communist is a human being that seeks to achieve his distorted conception of government through and by the most cruel and outrageous means, often criminal, always with a contempt of orderly government. The definition found in the report of my committee is as near accurate and descriptive as possible: (1) Hatred of God and all forms of religion; (2) destruction of private property and inheritance; (3) absolute social and racial equality, promotion of class hatred; (4) revolutionary propaganda through the Communist International, stirring up communist activities in foreign countries in order to cause strikes, riots, sabotage, bloodshed, and civil war; (5) destruction of all forms of representative or democratic governments, including civil liberties, such as freedom of speech, of the press, of assembly, and trial by jury; (6) the ultimate and final objective is by means of world revolution to establish the dictatorship of the so-called proletariat into one world union of soviet republics with the capital at Moscow.

The present Communist Party received its inspiration from two apostate Jews, Karl Marx and Friedrich Engels, in 1848. It was they who conceived and issued the manifesto of the Communist Party in the year mentioned. The following quotation from the manifesto discourses the underlying principles of the faith:

> The history of all human society, past and present, has been the history of class struggles; incessant warfare between the exploited and exploiter, between oppressed classes and ruling classes at

various stages in the evolution of society; the struggle has now reached a stage of development when the exploited and oppressed class (the proletariat) can not free itself from the domination of the exploiting and ruling class (the bourgeoisie) without at one and the same time and forever ridding society of exploitation, oppression, and class struggles.

Later Engels, in speaking of the purpose of communism or proletariatism of all lands, said:

Communists scorn to hide their views and aims. They openly declare that their purpose can only be achieved by the forcible overthrow of the whole extant social order. Let the ruling classes tremble at the prospect of a communist revolution. Proletarians have nothing to lose but their chains. They have a world to win. Proletarians of all lands, unite.

From the year of the issuance of the manifesto until 1917 this doctrine had no significant foothold in the miserable land of Russia or elsewhere. Yet it sporadically accumulated sufficient disciples to demonstrate activity at several different periods.

When many great nations were involved in the last Great War and Russia had cast its lot with the allied forces of Europe, true to the thought and disloyalty of a communist, leaders of that unholy conception were able to muster considerable strength, which was used to hamper the cause of the Allies, spreading disloyalty, causing discord in the hearts of many of the Russian people, so much so that it became a great detriment to the forces of the Czar, which were then engaged in the awful struggle on the side of democracy.

However, there was enough loyalty at this particular period in the army of the Czar and the Russian people to dissipate the attempt of the communist and to put to flight its main leaders, who fled to different countries.

When the Russian Army had met with serious defeat on the battlefields of Europe and when the German Government, with its stupendous army and matchless discipline, was able to echo consternation in the land of Russia, and when the morale of this unhappy, misgoverned, and unfortunate people was at its lowest ebb, the element of disloyalty, which is so pronounced and controlling in the heart of any communist, unfortunately was able to accomplish the downfall of the czarist government. A provisional government had been established, but the people of Russia were in chaotic and distressing condition. The German general staff, appreciating the disloyalty of one of the leaders of communism, Nikolay Lenin, by ruse succeeded in transporting him, disguised and unknown, from the land of Switzerland, through the German Empire and back into Russia. Lenin being one of the advocates and an aggressive leader of communism, with the cooperation of Stalin and others, succeeded in overthrowing the provisional government and establishing the cruel, withering, devastating rule of the Communist Party in the land of the murdered Czar.

This ruse occurred in 1919. It is useless for me to go into the history of Russia since that day until the present time. The most casual student of history knows well the suffering and decadence of this seemingly hopeless empire.

Certainly, the rule of the Czar and his predecessors for generations was tyrannical and in many phases horrible; a government without honor, a government without consideration for the masses, a government of plunder, a government necessarily calculated to plant in the hearts of its subjects anarchy. I have no defense to make of this régime, but I do regret that amid all the strife and tumult, beneath the cloudy sky of a republic rich in natural resources, it did not receive the glitter of some bright star of hope that could have lead the people from a wilderness of darkness, suffering, and dejection to a happy existence.

But, unfortunately, not only for the Russian people, its welfare and its destiny, but for the entire world the Communist Party entrenched itself in this dissolute period so supremely and deeply it shall require the wisdom and generosity of the civilized world, perhaps for generations, to remove the cancerous, destructive influence of the communists.

Yet, among this sad, depressed, ignorant, and helpless people, comprising 150,000,000 of human beings, there are only 1,500,000 communists, but who, like cruel vultures which tantalize the sick and dying animal, continue to spread and fan their filthy wings over and around their slowly but surely perishing countrymen, thriving and feasting upon helplessness, misery, and death.

I regret the committee was unable to secure more accurately the economic condition as carried on by convict and inforced labor as is mentioned in our report. I do assure Congress, however, that the committee diligently and eagerly sought every avenue of information possible as reflected in its hearings. Let the Congress consider how impossible it was and is for the committee to do more than was done when it is considered that recently the Soviet Government refused the great nation of England the privilege and opportunity of sending a selected commission to glean and to know accurately the suffering and oppression of these peoples.

The committee recommended to the Congress that this Nation take steps to acquire this information definitely, but if the suggestion of the committee is accepted and this Nation should undertake to secure in a legal manner such information, I am persuaded to believe the cruel and unconscionable masters of the Russian people would not for a minute tolerate it.

I believe the conception of and carrying on of the industrial and agricultural condition in Russia by convict and enforced labor has influenced largely the present chaotic world-wide economical situation.

Let us realize that Russia possesses more natural resources than any other government on the face of the earth. Much of its resources is so stupendous that it has not yet been accurately estimated. If the 5-year plan succeeds, and 150,000,000 human beings continue to develop it, under the present terrifying leadership of Stalin and his cohorts, through and by the dictation of the Communist Party, this world will be a different place to live in from what it has been the last several generations. Such basic products as lumber, coal, oil, manganese, furs, wool, and so forth, is near nigh inexhaustible. Russia contains agricultural lands the equal of any country. It has more fertile acres capable of the highest development than any other government. Millions of acres of its best land are rapidly being placed in the highest state of cultivation. There has never yet developed any authority capable of accurately stating the millions of bushels of wheat, the millions of tons of potatoes, the millions of bushels of corn, or the millions of bales of cotton and other basic commodities possible to produce in that land of misrule and sorrow.

Contrary to the opinion of most people, the Communist Party is a select party. The manipulation of the party does not seek to, and in fact would not, permit an average citizen of Russia to become a member. The million and a half who now constitute the party and are manipulating that Government would not desire in that country a much larger membership. Hence few adults are permitted to get in the inner chamber of its manipulations, yet select, bright, young men and women are especially trained to become members with the hope of perpetuating the present iron-handed régime.

Contrary to public opinion, this is also true of the designs of its leaders and sponsors in America. About 70 per cent of its members in America are sent here through the influence of Moscow and, of course, are aliens. It is through them and by means of the money sent from Moscow in America that they are gradually obtaining a foothold in this land of liberty.

It is not the purpose of these sponsors of the Communist Party to at any time admit in the controlling element of the party any great number of Americans or aliens who may be in this country. It is true, however, that they have set up various schools of instruction, and that the leaders meet and discuss labor problems with various organizations, not with any intention to better conditions here but to attempt to

inculcate their damnable doctrine into the minds of honest American toilers.

Yet it is not the intention of the designing, cruel, unconscionable dictators of the Third Internationale to take into full measure any great percentage of those that might become inoculated with this doctrine so destructive of civilization. I am of the belief few Americans will ever embrace communism, yet I am aware of its destructive influence upon the unsophisticated. It would require several generations in order for the American people to lose to any degree their reverence, patriotism, and love for our form of government. I believe this will never occur.

American, as all other governments, will suffer bad administrations, will suffer a period when those unfriendly to the democratic form of government will temporarily control, when economic ills and distorted ideas of government will prevail for a period to harass and retard its peace and progress; yet, as certain as the day follows the night, these unwise and unfriendly periods will fade away and Americanism will continue to press forward, evolving into a happier, a more evenly distributed, and a more just administration of government, having profited by such ills. But there will never come a period so dark, so hopeless, that the American patriot will cast to the four winds his love of our Government and embrace the distorted, misdirected, and inhuman preachments of the leaders of the Communist Party. Yet when these outlaws of civilization are permitted to mingle and counsel with the millions of the unemployed, as we have to-day, are permitted to mingle with the hungry and the desolate in all sections of our country, it is but natural to suppose they should be able to sow seeds of discontent, seeds of anarchy and of destruction which in the very nature of the situation must bear some fruit, must cause some havoc, and create some menace. This situation is being experienced in many of our larger cities to-day. Our unfortunate American people, composed of our most unsusceptible, ignorant, and helpless, follow the leadership and the dictation of these human vultures. More through ignorance than design or wilfullness, primarily from an ill-devised economical situation, they have become an organization easily manipulated and controlled by the leader of the Communist Party to the extent such are becoming a menace to the police, orderly society, and general welfare of citizens within every important city of our Nation.

Scarcely now do the citizens of any city undertake to have public celebrations of patriotic demonstrations but what they are harassed and many times dissembled by the jeers, onslaught, assault, and disreputable conduct of the communists, aided and abetted by the unsophisticated followers as mentioned.

How much longer the Congress is going to permit this condition without courageously passing ample laws to protect the American people I am not able to say. How much longer the Department of State will remain in a state of inertia, seemingly chloroformed by an unknown and perhaps mysterious influence, I am not able to state. But I do make a prophecy when the American people are fully advised in the premises and when the pressure comes, which surely will come, the Congress will pass, and the department will execute, proper laws to banish from the fair shores of this continent this nauseating, unscrupulous alien.

At this point I desire to refresh the minds of Congress with certain recommendations made by our committee, which are as follows:

(1) Enlarging the authority of the Bureau of Investigation of the Department of Justice for the purpose of investigating and keeping in constant touch with the revolutionary propaganda and activity of the communists in the United States, and to provide for additional appropriations for skilled agents to devote their entire time to investigating and preparing reports on the personnel of all entities, groups, individuals who teach or advocate the overthrow of the Government of the United States by force and violence.

(2) Strengthening immigration laws to prevent the admission of communists into the United States and providing for immediate deportation of all alien communists.

(3) Provide for additional appropriations to the Bureau of Immigration for vigorous handling of deportation cases.

(4) Amend the naturalization laws so as to forbid the naturalization of a communist.

(5) Amend the naturalization laws so as to cancel the naturalization certificate of a communist.

(6) Deny reentry to the United States to an alien who has visited Russia to secure training in communistic doctrines.

I realize there are many capitalists of America who have chosen to go to Russia, and from its chaotic condition hope to add millions to their already enormous wealth, which is sought to be reconstructed by the suffering, blood, and tears of its women and children, and who are beyond the reach of legislation under our Constitution.

If it were the sentiment of Congress, as I gladly state it is mine, to prevent their course, it would be impossible under the Constitution and our form of government. My information is all American capitalists, corporations, and combines have invested several billion dollars in the Russian nation. It may be from their investments and their sympathy for the Soviet Government they will garner a harvest of wealth. It is also true many of America's foremost engineers and experts in all lines of development and progress have engaged themselves at enormous wages to assist in carrying out the 5-year plan in order to make a success of the soviet régime. To me it seems the course of these American citizens, with their selfish desire for such wealth, if possible will hasten the day of the destruction of the world and civilization, which may be achieved if the 5-year plan is successful. They are aiding the designs and efforts of the communists who ultimately desire to overthrow, by force, every civilized nation on the face of the earth. Truly, they are aiding and abetting this horrible specter, perhaps unconsciously and ignorantly, yet in most effective manner. If they receive the harvest of wealth, they evidently contemplate, the 5-year plan must succeed, and, in my opinion, if successful, rational and legitimate economical structures of every nation will be destroyed. Their profits may be great in the land of Stalin and his heartless conferees and colleagues, yet I venture to make the prediction that they will suffer not only loss of untold billions in their investment and procession on the American continent, but they will be, and are, the greatest contributors not only to the possible destruction of democratic and well-organized governments but are the greatest factors contributing to the present economic situation.

The Communist Party in this country has for its sole aim the destruction of our democratic form of government and to substitute therefor the reign of Stalin and his cohorts, with an organized, determined effort of insidious types, both from within and without. It is their desire by tremendous activities in America now they will so weaken our economic structure that this Nation will be able to offer but small resistence to sovietism. Their greatest aids now are the "pinks" and unthinking sympathizers.

I call attention to the disposition of our State Department. It is the policy of this department to permit avowed revolutionists to come into our country to spread the insidious propaganda without any apparent activity to retard it. It is my belief that this department has been entirely too lenient in the admission of these undesirables and has been extremely lax in the enforcement of the present laws directed at this evil. It is conservatively estimated that we have a thousand agents of Soviet Russia in this country. The direct representative of the government we do not recognize, and I hope that until it has undergone a thorough revolution in sentiment and in government that this great Nation of ours will never recognize it. Until such time I shall do all within me to cause unrecognition of the present communist régime.

Yet the State Department, in possession of all the facts which are presented through the hearings of our committee, augmented by much information it has secured, seemingly turns a deaf ear to the situation and refuses to protect Americanism.

I regret the hearings of our committee discloses that the law firm of Simpson, Thatcher & Bartlett, of New York City, of whom Mr. Thatcher, of the State Department, is a partner or in close relation therewith, has only to write a letter requesting that these revolutionary agents be admitted into our country or retained, whose sole purpose it is to destroy

our trade and commerce and form of government. If the relation and influence of Mr. Thatcher is such to directly or indirectly enrich this firm with filthy dollars thus acquired, it is a stigma and a shame upon the American people and the most stern remedy to destroy this means of aiding and abetting Soviet Russia should be employed. One of the vice presidents of the Amtorg stated before our committee in New York City that it was his belief that the Amtorg Trading Corporation paid a stipulated sum for each alien admitted and retained through this legal firm.

Personally, I desired that our committee ask that a speedy investigation be made of this accusation, and if true, such intolerable and traitorous practice be ended. Two extensions were granted for a year's stay by the Department of State over the protest of our committee. A courteous request by our committee to present to it absolute proof of the undesirability of these two agents was refused. You Congressmen may draw your own conclusions.

I think it is worth while to call the attention of Congress and the country generally to those engaged in commercial channels who seem eager at all hazards to carry on and accelerate their business relations with the Soviet Government, regardless of the ultimate effect upon our future prosperity.

H. L. Cooper, representative of the American-Russian Chamber of Commerce, New York City, recently furnished the Ways and Means Committee a list of the American-Russian Chamber of Commerce membership in the United States, as shown in Exhibit A of his testimony (pp. 122–125, hearings, January 27–28, 1931). In his testimony also he presented Exhibit B, revealing a list of firms with which the Amtorg Trading Corporation had placed orders in America (pp. 122–145, inclusive, hearings).

I desire to express my sentiment toward those individuals and corporations as I have previously of those who have invested their billions in Soviet Russia. I am certain that if the design of the Soviet Government is successful, if millions of working people are forced to compete with the present forced worker in Russia, and peasants of Russia shall continue to work, stagger, and many to die under the reign of the soviet cruelty, sufficient to put the 5-year plan over, little exports will go from the rest of the world into that country. If it does succeed, I am sure that billions of dollars of export will go out of Russia and that honest business, honest farmers, honest labor of the higher type and highest scale of living, as in America, will encounter the most vicious and destructive competition from this misruled government. It will necessitate a revolution in every channel of business, society, and religion, and that civilization will be set back many generations.

At the request of my committee I recently introduced in the House H. R. 16390, protecting the banking institutions of this country from the insidious, unscrupulous, and effective method of the avowed communists, by spreading false rumors of unsoundness of the national banks, and so forth. The bill is as follows:

To amend section 22 of the Federal reserve act

Be it enacted, etc., That section 22 of the Federal reserve act be amended by adding at the end thereof the following language:

"(g) Whoever maliciously, or with intent to deceive, makes, publishes, utters, repeats, or circulates any false report which imputes, or tends to impute, insolvency or unsound financial conditions, or financial embarrassment, of any national bank, or any other member bank of the Federal reserve system, or which may tend to cause or provoke a general withdrawal of deposits from such bank, or tend to injure the business or good will of such bank, shall be deemed guilty of a misdemeanor, and shall, upon conviction in any court of competent jurisdiction, be fined not more than $5,000 or imprisoned for not more than five years, or both.

"(h) If two or more persons conspire to boycott or blacklist, or to cause a general withdrawal of deposits or patronage from, or to make, publish, or circulate any false report imputing insolvency, or financial embarrassment of, or otherwise to injure the business or good will of any national bank, or any other member bank of the Federal reserve system, and one or more of such persons do any act to effect the object of such conspiracy, each of the parties to such conspiracy shall be deemed guilty of a misdemeanor, and shall, upon conviction in any court of competent jurisdiction, be fined not more than $5,000, or imprisoned for not more than five years, or both."

I am pleased the Banking and Currency Committee, through the ability and activity of its chairman [Mr. McFADDEN], considered this proposed legislation and sanctioned it.

The honorable gentleman from Georgia, Judge BRAND, had previously introduced a bill of similar purport, which was favorably reported to the House.

I am pleased also that the Rules Committee of the House has recently reported a rule for the consideration of this bill. Judge BRAND and I are cooperating, hoping for the passage of his measure. He courteously, and I think wisely, accepts the features of the bill I introduced, not incorporated in his, as timely. It shall be our purpose to secure an amendment to his bill by incorporating therein the additional features of the legislation I proposed.

In view of the recent statement of the chairman [Mr. McFADDEN] making it known his committee is in possession of positive information that some of the recent runs on sound banking institutions were incited by the active, willful, vicious representative of communists, it seems to me such a brazen criminality, almost in the gaze and in the very face of the lawmakers of this Nation, should interest them in this legislation and stimulate unanimous effort to place on our statute books this wholesome legislation.

I hope the revolting practice and conduct I have observed on the part of the communists in this Nation and the conviction I have after listening patiently to the entire hearings of our committee have not unreasonably prejudiced or warped in any degree my normal conservativeness; but I confess I am unable to fully, in these remarks, express my contempt and my fear of the possibility of my Nation being greatly affected by this unholy conception.

There is enough red-blooded Americanism flowing in my veins and I am happy I possess sufficient courage to say to this Congress and to the world that the human or group of human beings who preaches amidst my countrymen the hatred of God and all forms of Christian religion not only has my scorn and contempt but such instinctively employs every atom of my being to marshal and use every legal source at my command to constitutionally eliminate this blot from my country.

I have the courage and the conviction to assist in banishing and to silencing as far as constitutionally possible every human or set of humans who advocates within this fair land of ours the destruction of private property and the virtue of inheritance.

I have equal contempt for any human or group, whether the thought emanates from Moscow or from any place on earth, who preaches and teaches absolute social and racial equality and seeks to promote class hatred. To me the greatest test of any human is the love he or she has of the blood that courses through their veins. If it flows from a source of white, or if it flows from a source of black, or if it flows from a source of brown or yellow, there is no greater evidence of loyalty and commendable impulse of such being than to revel in such blood and to cherish the ancestry. Words are inadequate to express my scorn, my abject contempt, and my hatred for he or she who desires the blood of my children, or that of my white neighbors, should be intermingled with the blood of some other race save that of the Anglo-Saxon.

He or she who would promote class hatred but plants the seed the fruits of which must aim at the destruction of American liberty.

He or she who advocates the destruction of the home, who has become so mentally warped in his or her belief to the extent they dare advocate the destruction of the marriage relation, who would destroy the existence and the influence of the home, who advocates utilizing the services of a mother in hard toil, likened to the beast, and advocates the offspring of that mother should be torn from her breast, blotted out of her affection and her influence, and placed in a stern, cold, inhuman institution, to be reared and disciplined in order that it may become a servant of the communists' heartless régime, is not only an enemy to all civilization but becomes a treacherous leech upon our body politic. Such

are the devil personified and the arch damnable destroyers of the most holy and dearest relations of civilized peoples.

Tell me who is willing to stop short of employing every legal method not only to deport such but to make it ever impossible for such to return or be in this land of peace, hope, and democracy.

To the elimination of this character of person, to the deportation of such, to the incarceration if need by legal methods, I am willing to concentrate my limited ability, my full service, and to suffer the greatest sacrifice possible without any thought of apology to any who may honestly differ.

They may choose their course; I have chosen mine.

REAPPORTIONMENT

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of reapportionment and redistricting of the State of Georgia, giving the population of the State by congressional districts.

The SPEAKER. Is there objection?

There was no objection.

Mr. EDWARDS. Mr. Speaker, when the bill for reapportionment was passed by Congress I opposed it and voted against it. While we were told by the proponents of the reapportionment measure that it would in no way affect Georgia's representation, I could not and did not support it, for the reason that I felt Congress should make the reapportionment instead of delegating the function, imposed upon it by the Constitution, to the Department of Commerce. Then, too, I feared that it might not work out just as predicted by the proponents, and it has not. My fears have been justified; for, based upon what I believe is an incorrect census, so far as Georgia is concerned, our State is to lose two Representatives and after the Seventy-second Congress will have only 10 instead of 12 Members.

The reapportionment legislation referred to does not actually become a law until after the expiration of the present session on the 4th of March, which is close at hand. Hoping, if possible, to prevent the loss to Georgia, I introduced a bill, H. R. 16346, that would increase the membership of the House by 27, making a total membership of 462 instead of 435, and apportion the Representatives among the various States as follows:

Alabama, 10; Arizona, 1; Arkansas, 7; California, 20; Colorado, 4; Connecticut, 6; Delaware, 1; Florida, 5; Georgia, 12; Idaho, 2; Illinois, 27; Indiana, 13; Iowa, 11; Kansas, 8; Kentucky, 11; Louisiana, 8; Maine, 4; Maryland, 6; Massachusetts, 16; Michigan, 17; Minnesota, 10; Mississippi, 8; Missouri, 16; Montana, 2; Nebraska, 6; Nevada, 1; New Hampshire, 2; New Jersey, 14; New Mexico, 1; New York, 45; North Carolina, 11; North Dakota, 3; Ohio, 24; Oklahoma, 9; Oregon, 3; Pennsylvania, 36; Rhode Island, 3; South Carolina, 7; South Dakota, 3; Tennessee, 10; Texas, 21; Utah, 2; Vermont, 2; Virginia, 10; Washington, 6; West Virginia, 6; Wisconsin, 11; and Wyoming, 1.

I was heard on my bill before the Census Committee and advocates of the Thurston and other measures on the same subject have been heard, but as yet nothing has been reported out by the committee, and it is now quite certain the reapportionment will go into effect on March 4, under which act Georgia will lose two Members. This is a severe blow to the Empire State of the South.

AGRICULTURAL STATES LOSE

Several of the States sustain losses in membership under this act, while a few gain. The gains are mostly in the States with large cities in them, like New York, Illinois, Michigan, and California. I think it is extremely unfortunate that this should be the case, because it tends to give control of legislation in the House of Representatives to the large and thickly populated centers as against the rural or agricultural States. The Constitution calls for a reapportionment based on the census every 10 years, and, of course, reapportionments should be made, but in this case it is going to work great hardships, in my opinion, upon agricultural States like Georgia.

Being somewhat familiar with the situation in Georgia, I am going to discuss the question of redistricting under the reapportionment which will go into effect on March 4. The Georgia Legislature will be called upon to redistrict the State into 10 districts instead of 12. This, of course, is going to be a rather difficult thing and in some respects a disagreeable task. Georgia in the 1930 census has a total population of 2,908,506, and the congressional districts are as follows:

Districts as established for the Seventy-first Congress

First	260,291
Second	242,276
Third	189,719
Fourth	220,708
Fifth	415,476
Sixth	221,050
Seventh	262,219
Eighth	198,927
Ninth	225,226
Tenth	212,934
Eleventh	248,290
Twelfth	211,390
Total	2,908,506
First district	260,291
Bryan County	5,952
Bulloch County	26,509
Burke County	29,224
Candler County	8,991
Chatham County	105,431
Effingham County	10,164
Evans County	7,102
Jenkins County	12,903
Liberty County	8,153
Long County	4,180
McIntosh County	5,763
Screven County	20,503
Tattnall County	15,411
Second district	242,276
Baker County	7,818
Calhoun County	10,576
Colquitt County	30,622
Decatur County	23,622
Dougherty County	22,306
Early County	18,273
Grady County	19,200
Miller County	9,076
Mitchell County	23,620
Seminole County	7,389
Thomas County	32,612
Tift County	16,068
Worth County	21,094
Third district	189,719
Ben Hill County	13,047
Clay County	6,943
Crisp County	17,343
Dooly County	18,025
Lee County	8,328
Macon County	16,643
Quitman County	3,820
Randolph County	17,174
Schley County	5,347
Stewart County	11,114
Sumter County	26,800
Taylor County	10,617
Terrell County	18,290
Turner County	11,196
Webster County	5,032
Fourth district	220,708
Carroll County	34,272
Chattahoochee County	8,894
Coweta County	25,127
Harris County	11,140
Heard County	9,102
Marion County	6,968
Meriwether County	22,437
Muscogee County	57,558
Talbot County	8,453
Troup County	36,752
Fifth district	415,476
Campbell County	9,903
De Kalb County	70,278
Douglas County	9,461
Fulton County	318,587
Rockdale County	7,247
Sixth district	221,050
Bibb County	77,042
Butts County	9,345
Clayton County	10,260

Sixth district—Continued.	
Crawford County	7,020
Fayette County	8,665
Henry County	15,924
Jasper County	8,594
Jones County	8,992
Lamar County	9,745
Monroe County	11,606
Pike County	10,853
Spalding County	23,495
Upson County	19,509
Seventh district	262,219
Bartow County	25,364
Catoosa County	9,421
Chattooga County	15,407
Cobb County	35,408
Dade County	4,146
Floyd County	48,667
Gordon County	16,846
Haralson County	13,263
Murray County	9,215
Paulding County	12,327
Polk County	25,141
Walker County	26,206
Whitfield County	20,808
Eighth district	198,927
Clarke County	25,613
Elbert County	18,485
Franklin County	15,902
Greene County	12,616
Hart County	15,174
Madison County	14,921
Morgan County	12,488
Newton County	17,290
Oconee County	8,082
Oglethorpe County	12,927
Putnam County	8,367
Walton County	21,118
Wilkes County	15,944
Ninth district	225,226
Banks County	9,703
Barrow County	12,401
Cherokee County	20,003
Dawson County	3,502
Fannin County	12,969
Forsyth County	10,624
Gilmer County	7,344
Gwinnett County	27,853
Habersham County	12,748
Hall County	30,313
Jackson County	21,609
Lumpkin County	4,927
Milton County	6,730
Pickens County	9,687
Rabun County	6,331
Stephens County	11,740
Towns County	4,346
Union County	6,340
White County	6,056
Tenth district	212,934
Baldwin County	22,878
Columbia County	8,793
Glascock County	4,388
Hancock County	13,070
Jefferson County	20,727
Lincoln County	7,847
McDuffie County	9,014
Richmond County	72,990
Taliaferro County	6,172
Warren County	11,181
Washington County	25,030
Wilkinson County	10,844
Eleventh district	248,290
Appling County	13,314
Atkinson County	6,894
Bacon County	7,055
Berrien County	14,646
Brantley County	6,895
Brooks County	21,330
Camden County	6,338
Charlton County	4,381
Clinch County	7,015
Coffee County	19,739
Cook County	11,311
Echols County	2,744
Glynn County	19,400
Irwin County	12,199
Jeff Davis County	8,118
Lanier County	5,190
Eleventh district—Continued.	
Lowndes County	29,994
Pierce County	12,522
Ware County	26,558
Wayne County	12,647
Twelfth district	211,390
Bleckley County	9,133
Dodge County	21,599
Emanuel County	24,101
Houston County	11,280
Johnson County	12,681
Laurens County	32,693
Montgomery County	10,020
Peach County	10,268
Pulaski County	9,005
Telfair County	14,997
Toombs County	17,165
Treutlen County	7,488
Twiggs County	8,372
Wheeler County	9,149
Wilcox County	13,439

REDISTRICTING GEORGIA

It will be noted from the foregoing that the first Georgia district, which I have the honor to represent, is third in population, and it is quite large in area, but compactly arranged. This district could very well be left in its present shape on account of its convenient arrangement, large population, and area. While I am a Member of Congress, I would personally hate to see any of the counties embraced in the first district taken therefrom. In my service I have tried to be faithful to each and every county and to the district as a whole. Many contacts and friendships have been made, and, naturally, I have a deep affection for the people of the district and for each and every county in it. I make mention of this for the reason that certain ambitious politicians have proposed plans that would materially change the district, to which changes I am unalterably opposed.

SIZE OF DISTRICTS

In no State of the Union are the congressional districts exactly equal in population or area. There is no reason why any great effort should be made in Georgia to get the population anything like equal in the make-up of the districts. They are not now equal nor have they ever been so.

DUTY TO REDISTRICT

The question of redistricting in our State is the responsibility and duty of the Georgia Legislature. If the legislature sees fit, in its wisdom and in the discharge of its duty to add other counties to the first district, I will be glad, while I am its Representative, to welcome such counties, and as long as I am honored by the people of that district to represent them in Congress, I will do my utmost to see that each and every county, and the district as a whole, are given earnest, attentive, and faithful representation to the very best of my ability.

It is certainly not my purpose to in anywise intrude my views upon the Georgia Legislature, for the State representatives and senators are distinctly charged with the duty of redistricting. They are men of intelligence, character, and ability, and I am sure they are going to do their duty as they see it and do the best they can for the State in the matter. There is no impropriety, I am sure, in my expressing at this time the hope that the district that has so greatly honored me, for which I am profoundly grateful, will not be gerrymandered to meet the designs of selfish politicians who are proposing the changes in question. I do not believe they can induce the legislature to attempt to legislate them into office, for it must be remembered the offices belong to the people. I recall in the last redistricting of Georgia how certain politicians calculated they could defeat me and elevate one of their group to office by taking Emanuel and Toombs Counties out of the district. The people saw through the game then as they will now, and they rebuked the gerrymandering efforts at the ballot box. I hated for the counties of Emanuel and Toombs, in which I have many close friends, to be eliminated from the first district and protested; but I was powerless and had to submit. When Emanuel and Toombs were taken from the first district I felt like I had lost two members of my family, and I am frank when I say I have never become reconciled to it.

That is how I felt by those counties, and it is how I feel by all of the counties of the district. A feeling of deep affection results from contacts, friendships, and service, and I hope I may be pardoned for now expressing the very earnest hope that no county or counties will be taken from the district to which I am so greatly indebted and so earnestly attached. What is the sense of taking out one, two, three or more counties and putting others in? It merely means to disrupt and disturb the status when it might be avoided.

I am sure the legislature will be moved by no other motive except to serve the welfare of Georgia when it reaches this task.

Mr. WILLIAM E. HULL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. WILLIAM E. HULL. Mr. Speaker, in December of last year, Secretary Hyde, following a request made by a nonpartisan delegation including more than 40 Members of this House, issued a regulation removing the discriminations which had long existed in his department against the use of corn sugar in sweetened foods.

This ruling provided a new outlet for this healthful product of American corn, and met with instant favor of all those who have the interests of American agriculture and the health of our people at heart. In view of the demands, which have been almost universal, for the adoption of farm-relief measures, I am amazed, and I feel sure that you will all be amazed, to learn that a concerted movement is now in progress in several States to destroy the effect of Secretary Hyde's ruling and deny to this American product the place it deserves in the Nation's food supply, and to perpetuate the monopoly long enjoyed by the product of Cuban sugarcane.

Refined corn sugar is pure dextrose. It is now a pure white sugar. It is healthful and wholesome. It is admittedly less sweet than cane sugar, but it has some properties which are more valuable than those of cane sugar.

Notwithstanding all this, a bill pending in the Minnesota Legislature (S. B. No. 349) would rescind the existing Minnesota law which makes Secretary Hyde's ruling effective there, and the avowed purpose is to nullify the corn-sugar ruling. In Michigan a new ice cream law (H. B. No. 51) would outlaw corn sugar as an ingredient, although its value in ice cream is fully established and generally accepted. In Texas Senate bill No. 225 discriminates against corn sugar by permitting only cane or beet sugar to be used in sweetened foods without label declaration. In Kentucky a hearing is set for February 25 for the sole purpose of changing the Kentucky food standards to exclude corn sugar.

I do not know the source of these vicious attacks against this product of American corn, but I call to your attention the strenuous but futile efforts to dissuade Secretary Hyde from removing the ancient prejudice against corn sugar put forth by the Sugar Trust, by the Canners Trust, and by the organized wholesale grocers. As a representative of one of the great corn-growing States of this country, I resent the campaign now being conducted in the States to accomplish by local legislation what this powerful group failed to accomplish here, and I express the hope that the legislatures of all the States in which laws are proposed to destroy the market for pure corn sugar will conclude as we have done, that their laws shall be administered, not in the interests of Cuban sugarcane, but in the interests of American corn, and that they will not yield to the insistent demands of those who seek to nullify the action taken by Secretary Hyde to improve conditions in the Corn Belt.

COPYRIGHT BILL

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the Vestal copyright bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, on January 13, 1931, this House passed the Vestal copyright bill. The provisions of that bill have been before the House and the Committee on Patents for many years. In the beginning there was a great deal of misunderstanding concerning the effect of the bill. The misunderstanding was based entirely on misinformation maliciously sent out by opponents of the bill. Provisions of the bill, in a nutshell, simply seek to protect the creative property of composers and authors. It gives the same protection, and not an iota more, to the author and composer as it gives to the inventor of a mechanical or other patent. Legislation did not keep abreast with progress in mechanical reproduction of music, such as phonograph, musical machines, mechanical organs, radio, and sound pictures, and the mechanical reproduction of literary compositions and drama, such as the moving picture and the radio. It seems almost incredible that the very same people, such as the radio interests, broadcasting companies, slot-machine manufacturers, who have every part of their machinery patented, and are protected by patents, are so brazen as to oppose the same protection being given to authors and composers. If any author and composer would attempt to take any patented device to broadcast or to reproduce their own works without permission of the patent owner, these owners of patents would hail them into court on a minute's notice, and yet the same patent owners are actively engaged in opposing legislation so that they may be free to use without permission or payment the creative works of the authors and composers.

It may be interesting to the Members of the House—and for that reason I am making this statement—to know that after all these years of trying to mislead the House of Representatives, and after the copyright bill passed this House, the same tactics were employed before the committee of the other body considering the House bill. I desire to call attention to just a few facts. I am doing so because there are only a few days of the session remaining, and Congress owes it to the American authors and composers to give them the equal protection of the law and put an end to the unwarranted, inequitable, and unjust exploitation of their property by some of our citizens who have received so much protection, assistance, and benefits from Congress.

The National Broadcasters Association, through their spokesman, Mr. Caldwell, and others, in opposing the Vestal bill for copyright revision not only claim ownership of the air but everything they see and hear, irrespective of the rights of others. Since the inception of broadcasting in this country their association has made numerous attempts to have piracy legalized in the Congress.

Their violent opposition to pay for the creative matter that goes to make their existence possible is beyond comprehension. Their stations would be mute, dormant, and dead without the works of composers and authors.

Without authors and composers, whose contributions make it possible for them to charge hundreds and thousands of dollars per hour to advertisers and users of their facilities, the broadcaster would not be in business. Broadcasting to-day is a business the same as steel, automobiles, moving pictures, only it is more powerful and far-reaching. For some unknown reason the owners of broadcasting stations from the very start of their existence and by their organized activity before the Senate Committee on Patents in opposition to the Vestal copyright bill have attempted to tear down the rights granted by the Constitution to those who choose to live by the products of their brain.

A former president of the Broadcasters' Association which Mr. Caldwell represents at this hearing, who appeared before a former Senate Patents Committee, even went so far as to attempt to appropriate a wave length without waiting for the formality of obtaining a license from the Federal Radio Commission. The numerous amendments suggested by Mr. Caldwell and others at this hearing on behalf of the Broadcasters' Association, now reflected in the bill as amendments, were deliberately offered to weaken, if not destroy, the author's and composer's rights in this revision of the act of 1909 or to kill the bill altogether. As everyone knows, it is not difficult to kill a bill during the closing days of a session by loading it with destructive amendments.

Mr. Capehart, representing the manufacturers of slot machines, stood with the broadcasters in their fight to legalize

literary and musical piracy. His company and others who manufacture records and coin-operating machines desire to limit the rights of those who create their raw material. The phonograph record and automatic recording machine manufacturers make and sell instruments to mechanically reproduce the works of composers and authors—there is no limit as to what they shall charge the buyer of their product but they join with the broadcaster and the manufacturer of radio sets to limit the price by law of the creators of the material that makes their business possible.

Mr. Capehart and those he represented failed to tell the committee that besides selling his machines to drug stores and restaurants, the slot-machine manufacturers dispose of many of their instruments to road houses, restaurants, and hotels, and that they are coin operated. These machines are installed and the patron of the place in most instances inserts a nickel or a dime or a quarter in order to have some music. The committee was not told that the proprietor of the establishment invariably gets a percentage of the slot receipts.

Throughout the country to-day with the development of radio and mechanical reproduction the living musicians, who spent their lives learning to play an instrument for a livelihood, are out of employment and have been replaced in theaters, dance halls, restaurants, and so forth, by the machines the men who appear in opposition to this bill manufacture.

I respectfully call the committee's attention to the nation-wide campaign in the leading newspapers and magazines throughout the country by the musicians of the American Federation of Labor during the past year.

In urging the passing of this bill the authors, composers, artists, and creators of material in America stand as a unit in conjunction with the publishers of newspapers, magazines, books, and users of copyrightable works. The broadcaster and the mechanical reproducer seem to be alone in their efforts to hinder justice and protection to authors and composers.

The requests of the author to join the rest of the world in international copyright protection at this time is imperative and essential. American music, books, and plays lead the world to-day. In the past quarter of a century America has become the leader of the entire world in literary and musical creations. The best books, operas, songs, motion pictures, and other forms of creative work are written, published, and made in the United States, and it is only just and natural that the creators of these works want world-wide protection. That is the reason for their reasonable demand for entrée into the International Copyright Union at this time.

The authors of America desire to join this union before August 1, 1931, in order to secure the benefits of the Berne convention, which has been in operation since 1886. No intelligent person with any knowledge of the subject of copyright will oppose the author's request for automatic copyright, which puts us on a plane with the rest of the civilized world. There is nothing new in this plan; it is older than our country itself, as it was shown in these hearings.

The Broadcasters' Association has endeavored to use opposition to automatic copyright as a means to hide the real purpose of their attack on this bill. What they are really after is to influence the Senate to hog tie the composer and author in order that they may take and sell for profit the creations of his brain.

I am sure the Members of the American Congress of this Nation will see through the broadcasters' obvious attempt to use the legislative branch of our Government to deprive the author and composer of America of protection in their works. To prove that there is nothing new in the basic fundamentals of the authors' and composers' contention in regards to their rights in the creations of their brain, I submit an editorial published in the Monthly Review in London, 1774, over a century and a half ago. In reference to an article on the rights of an author written by Doctor Enfield, LL. D., appeared the following editorial:

Doctor Enfield has irrefragably shewn, by the clearest deduction of argument, that literary property or what is commonly understood by the term copyright, has all the foundation in nature which any kind of property can have, and more than belongs to many kinds which are, however, admitted without dispute.

Some depend wholly upon occupancy or primary possession, some wholly upon labor; but an author's right to his literary composition has a clear foundation in both.

No man, therefore, can have a better right to the house which he has built on his own ground and with material which he has purchased or collected from his estate, than an author has to the productions of his genius and industry.

If we refer the cause to the decision of common sense, and the natural principles of equity, this right will be no less evident.

In this various world different men are born to different fortunes—one inherits a portion of land; he cultivates it with care; it produces him corn and fruits and wool. Another possesses a fruitful mind, teeming with ideas of every kind; he bestows his labor in cultivating that; the produce is reason, sentiment, philosophy. It seems but equitable that a fair exchange should be made of these goods, and that one man should live by the labor of his brain as well as another by the sweat of his brow.

This point being established, it follows that whatever can be asserted with truth concerning property in general may fairly be applied to this particular kind of property.

Literary, as well as other kinds of property, must be exclusive. That is, no person whatever can have a right to enjoy the benefit of this property except the author and those to whom he assigns over that right. An author having the same natural right to his composition as the possessor of lands to the fruits which they produce, no other man can have any claim to the profits arising from the former more than to those arising from the latter.

To take possession of any work for any purpose which interferes with the interests of the author farther than he himself or his assigns assent to it is, on the principles of natural law, no less an invasion of property than that of plundering a man's granaries or his coffers.

The composers and authors of our country have done as much, if not more, by their contribution to make the United States the leading nation of the world. There was a time when all our music and most of our books were imported from other countries. The reverse is true to-day. American composers and American authors are leading the world. They are entitled not only to recognition but to protection, and it is our duty not to delay this matter any longer. It is sincerely to be hoped that the Vestal copyright bill will become a law before this Congress ends.

DISTRICT OF COLUMBIA TRAFFIC ACTS

Mr. ZIHLMAN. Mr. Speaker, I call up the conference report on the bill (H. R. 14922), to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, and so forth, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14922) to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: *"Provided,* That hereafter, congressional tags shall be issued by the commissioners under consecutive numbers, one to each Senator and Representative in Congress for their official use, which when used by them individually while on official business, shall authorize them to park their automobiles in any available curb space in the District of Columbia, except within fire plug, fire house, loading station, and loading platform limitations, and such congressional tags shall not be assigned to or used by others "; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: On page 1, line 4, of the engrossed Senate amendments, strike out the word "may," and insert in lieu thereof the word "shall"; and the Senate agree to the same.

F. N. ZIHLMAN,
GALE H. STALKER,
MARY T. NORTON,
Managers on the part of the House.

ARTHUR CAPPER,
HAMILTON F. KEAN,
WILLIAM H. KING,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14922) to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc., submit the following statement explaining the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment No. 1: The conference committee recommends the reincorporation in the bill, with certain modifications, of a provision stricken out by the Senate amendment. As agreed upon by the conferees, the new language of this amendment provides for the issuance by the District Commissioners to Members of the Senate and House of congressional tags for official use. These tags will permit their owners to park their automobiles in any available curb space in the District of Columbia, except spaces where parking is prohibited because of the presence of fire plugs, fire houses, loading stations, or loading platforms. The tags may not be assigned to nor used by others.

On amendment No. 2: This amendment, by substituting the word "shall" for "may," makes it mandatory on the District Commissioners to establish parking areas near Government establishments for the use of Members of the Senate and House and governmental officials when on official business.

On amendment No. 3: This amendment corrects a minor error by the addition of quotation marks.

On amendment No. 4: The amendment provides penalties for hit-and-run drivers, and prescribes procedure on the part of owners or operators of automobiles in collisions.

F. N. ZIHLMAN,
GALE H. STALKER,
MARY T. NORTON,
Managers on the part of the House.

Mr. STAFFORD. Will the gentleman yield?

Mr. ZIHLMAN. I yield.

Mr. STAFFORD. This conference report pertains particularly to the disagreement on the proposal to allow congressional tags on the automobiles of Members of Congress. I have no objection to that provision. I yield to the opinion of those who have automobiles, but I question the propriety of the amendment, so far as it gives the right to Members of Congress to park their cars anywhere, regardless of whether there are restrictions or not.

Mr. ZIHLMAN. It does not do that, except with limitations and while on official business.

Mr. STAFFORD. The amendment says:

Which when used by them individually while on official business shall authorize them to park their automobiles in any available curb space in the District of Columbia, except fire plug, fire house, loading station, and loading-platform limitations.

Mr. ZIHLMAN. That is right.

Mr. STAFFORD. I know it is a fact in some cities, and I can conceive where it might prevail here to forbid the parking of automobiles on one side of the street in order to aid traffic. I can conceive in Washington where it would be advisable to have freedom of space for transportation of automobile traffic during certain hours, without any obstruction, yet under the amendment agreed to by the conferees they would allow a Member of Congress, a Representative or Senator, to have carte blanche to park their cars at any time when on official business, in violation of that provision.

Mr. LAGUARDIA. I think it is poor legislation.

Mr. STAFFORD. It is not only poor legislation but it is indefensible legislation.

Mr. ZIHLMAN. The amendment referred to by the gentleman was incorporated in the bill on the floor of the House and a great many Members importuned the conferees to retain that provision in the bill, the Senate having struck it out. The House conferees therefore insisted upon its retention with modifications. The modifications were acceptable to the corporation counsel, representing the District Commissioners. The representative of the District Commissioners agreed that they would design and furnish a shield for the use of Members of Congress by them individually, a shield with a number in an attractive form, and that they should be given the privilege of parking in the vicinity of public buildings when on official business, with the idea that the Members of the House and Senate would not abuse the privilege so conferred, and I do not believe that they will.

Mr. STAFFORD. I would have thought that that restriction would have been incorporated in the amendment, but I will not pursue the protest any further, Mr. Speaker.

Mr. COLE. Will the gentleman yield?

Mr. ZIHLMAN. I yield.

Mr. COLE. Why should Members of Congress claim any rights for themselves that do not belong to others in Washington?

Mr. ZIHLMAN. The membership of the House, by incorporating this amendment, stated they desired that privilege. Individually, I do not care for it. I do not use the congressional tag; I never have, but I would not deprive others from using them if they so desire.

Mr. COLE. We should not use our authority as lawmakers for the District of Columbia to serve our own convenience unduly. I think we ought to take some pot luck with the rest of the people.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question and the adoption of the conference report.

The previous question was ordered.

The conference report was agreed to.

HOSPITALIZATION FOR WORLD WAR VETERANS

Mr. LUCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16982) to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes, with Senate amendments; disagree to the Senate amendments, ask for a conference and the appointment of conferees.

Mr. GARNER. Reserving the right to object, what committee has charge of this bill, and is it agreeable with the Members from this side of the House?

Mr. RANKIN. Mr. Speaker, reserving the right to object, why should not the gentleman from Massachusetts [Mr. LUCE] agree to move to concur in the Senate amendments?

Mr. LUCE. In the opinion of the gentleman from Massachusetts, the matter is too serious to dispose of it in that fashion.

Mr. RANKIN. Mr. Speaker, this is a bill for the erection of Veterans' Bureau hospitals throughout the country. The House would agree to the Senate amendments if such motion were made. But may I say to the gentleman from Massachusetts if this bill is sent to conference it will likely be killed. I want the House to thoroughly understand that the minority members of the Veterans' Committee are in favor of a motion now, and they will support a motion now, to concur in the Senate amendments and let this bill go to the White House. I fear if it is sent to conference at this late date there will be a controversy over some of these matters and the bill will be killed.

Mrs. ROGERS. Will the gentleman yield?

Mr. LUCE. I yield.

Mrs. ROGERS. I wonder if the gentleman from Mississippi realizes the full import of that. I wonder if the gentleman realizes that everything the House did in the subcommittee and then in the main committee, and in its vote in the House about a week ago, would be wiped out by the Senate bill. Every recommendation that the House made would be wiped out by the Senate amendment.

From my reading of the record of the proceedings in the Senate on the day the bill was under consideration, I am quite sure that Senator SMOOT, the chairman of that committee and the author of the amendment to our bill, H. R. 16982, did not realize the import of it. Senator SWANSON, of Virginia, asked him if under his amendment Virginia would be given a hospital. Senator SMOOT replied that it would, but at no hearing before the Senate committee or before our subcommittee was a recommendation ever made by anyone, as far as I can ascertain, by General Hines or anyone else, for the establishment of a hospital in Virginia. In General Hines's second program additional Veterans' Bureau beds were suggested for West Virginia.

General Hines stated before our committee the following:

> One of the real problems confronting the Veterans' Bureau in handling the hospitalization phase of veterans' relief is presented by the growing tendency to consider State lines in determining the need for additional hospital facilities. Upon completion of present approved programs, there will be but six States without hospital facilities under the control of the Veterans' Administration, namely, Vermont, New Hampshire, Rhode Island, Delaware, South Carolina, and Nevada, and but three States—Vermont, Delaware, and Nevada—in which there will be no Government hospital facilities of any kind. Further, if contemplated plans under approved construction programs materialize, 36 of the bureau's 54 regional offices, at least one of which is located in every State except Delaware, will have Government hospital facilities of the general medical and surgical type within 1 to 15 miles of the regional office.

Virginia has a soldiers' home at present.

It is clear the Senate did not realize the import of the Senate amendment.

I earnestly request that this bill be allowed to go to conference. We have a week to reach an agreement, and I feel very sure we can secure an adjustment. I do not believe that the Members who were promised hospitals in the House report of this bill would be willing to give up their rights. We can not wish to fight their battles over again. Under the Senate bill General Hines could place a hospital anywhere in the country and could reallocate one anywhere. You all know that General Ireland, General Cumming, Admiral Riggs, and Judge Thatcher are too busy to be visited every day in the week by legionnaires and other service men or by chambers of commerce and by politicians begging for hospitals. Our committee spent hours and hours of work on this bill. It tried to be fair. It realized that the veterans in every part of the country must be served. It tried to fill the greatest need first.

Mr. CHALMERS. Will the gentlewoman yield?

Mrs. ROGERS. Yes.

Mr. CHALMERS. I would not be willing to give up my hope for a hospital in northwestern Ohio, where it is needed more than in any other section of this country. I personally would like very much to see this bill go to conference and have it ironed out so that we might be taken care of in northwestern Ohio. This bill should provide at once for the construction of a hospital at Toledo, Ohio, that would care for six to eight hundred patients.

Mr. TREADWAY. Will the gentlewoman yield?

Mrs. ROGERS. Yes; with pleasure.

Mr. TREADWAY. I wish to correct a very unfortunate error that occurred when this bill, known as the Rogers hospital bill, was passed a week ago. I was reported in the press throughout the country as opposing the bill. The contrary was the fact. I have never voted against any hospital bill, and I wish to take this opportunity of saying that whatever is agreed upon by the committee, of which my colleague is a member, will be entirely agreeable to me. I shall vote for it and I did vote for the bill which was passed last week.

Mrs. ROGERS. I know the gentleman is very much interested in the hospitalization of veterans all over the country, and has always voted for every hospital bill. He is always helpful with legislation for our disabled veterans.

Mr. LAGUARDIA. Will the gentlewoman yield?

Mrs. ROGERS. Yes.

Mr. LAGUARDIA. Is the Senate amendment of such importance that we could not accept it at this time?

Mrs. ROGERS. I do not see how we could, because it would wipe out everything the House has done.

Mr. LAGUARDIA. Is it an entirely new proposition?

Mrs. ROGERS. The lump sum of $20,877,000 appropriated is a larger amount—namely, $12,500—than the sum authorized in the House bill; and the report that accompanies the Senate amendment completely wipes out everything we have done, not only in this bill but in some previous bills. As it stands now the board of hospitalization could reallocate buildings anywhere. It could also use the money that has been appropriated for other building construction in other localities.

The Senate amendment has increased the sum authorized by the House to $17,027,000 and has incorporated $2,850,000, which was authorized to provide construction for national homes in a bill introduced by Congressman JAMES, of Michigan, which passed the House some two weeks ago. Part of the report by Senator SMOOT for the Committee on Finance is as follows:

> The Committee on Finance conducted hearings for the purpose of determining the need, if any, for new construction to meet the demand for hospitalization under the World War veterans' act, 1924, as amended, and for domiciliary care under the various statutes administered by the Bureau of National Homes—formerly the National Home for Disabled Volunteer Soldiers—and after careful review and study of the evidence submitted, the committee is of the opinion that a program of construction should be initiated and completed as soon as possible to meet the needs of such services up to 1935. To this end the amount included in the House bill, namely, $12,500,000 has been increased to $17,027,000. To this amount has been added $2,850,000 to provide certain additional construction for national homes, which were covered by H. R. 16658, making a total of $20,877,000. Various construction programs were submitted to the committee, including the estimates of needs furnished by the Administrator of Veterans' Affairs. Your committee, however, believes that the location of the new hospitals and homes and the additions to existing hospitals and homes can better be left to the discretion of the Federal Board of Hospitalization with the approval of the President. This board is composed of outstanding men thoroughly versed in the subject of hospitalization and domiciliary care and after comprehensive study will be in a position to best locate facilities authorized in this bill where they are most needed.
>
> Sections 1, 2, 3, and 4 of the bill are for the purpose of generally authorizing the appropriation and are in the same language previously used in authorization acts of a similar nature.
>
> Section 5 of the bill authorizes the Administrator of Veterans' Affairs, with the approval of the President, to reallocate, if found desirable, certain projects heretofore authorized by the public acts enumerated therein. This section will permit of the building of certain projects either at the places heretofore authorized or elsewhere and will permit distribution of the money authorized for more than one unit.

Personally I should welcome the additional money for hospital and domiciliary, but clearly section 5 should be changed in the Senate amendment—and $20,877,000 is too much money to give to any one man to spend without suggestions from Congress. The members of the board of hospitalization are extremely busy, as stated before. Each and every one has extremely important positions, with much work to be done, and General Hines certainly has more work now than any one man can do. His position, next to the Presidency, is the most difficult one to fill in the Government.

Mr. LAGUARDIA. The House bill was a general authorization bill, was it not?

Mrs. ROGERS. Yes; of $12,500,000.

Mr. LAGUARDIA. It did not go into details as to locations?

Mrs. ROGERS. Not in the Senate amendment, but in the report.

Mr. LAGUARDIA. But not in the bill?

Mrs. ROGERS. No.

Mr. LAGUARDIA. How does the Senate bill differ from that except to increase the amount?

Mrs. ROGERS. The report differs materially. The amendment adds the provisions of a bill that was reported

by the Committee on Military Affairs authorizing $2,850,000 for soldiers' homes construction in our Southern States. The Senate report completely eliminates the locations designated by the House in past bills as well as this bill. It throws out of the window, so to speak, months of study by the subcommittee of the World War Veterans' Committee, as the hearings on this hospital construction were also held last spring. Does it seem fair to do this? It is said the Senate committee only held two hearings upon this measure.

Mr. LAGUARDIA. The gentlewoman is too good a legislator to believe that the report is what we pass upon. We pass upon the bill. Now, as I see it, the only difference is in the amount, because both bills are general authorization bills, with the exception that the Senate bill adds the proposition reported by the Committee on Military Affairs.

What I am worried about is this: If you are so far apart, what right have we to expect that you will agree in conference?

Mrs. ROGERS. Because, as stated before, from the questions on the floor of the Senate, the Senators can not understand what is in the Senate report—and if the gentleman will read now in the RECORD the Senate proceedings of last Saturday he will understand why that must be the fact. Heretofore General Hines has followed the recommendations with respect to general areas or locations as stated in our report, and the Senate bill completely eliminates suggestions of sites. The gentleman from Maine [Mr. NELSON] would like to express his reasons for not approving of the Senate amendment.

Mr. RANKIN. I have reserved the right to object. I yield to the gentleman from Maine.

Mr. NELSON of Maine. I desire to call the attention of the House to one example of the injustices that may result from the passage of this Senate bill. Within 4 or 5 miles of my home in Maine there is located a national soldiers' home, known as the Eastern Branch. It was one of the first to be established in the United States, a great collection of wooden buildings, most of them obsolete, and constituting absolute fire traps. Just before I came down here last spring they had a fire start in one wing of the hospital unit. It was in the daytime and, all attendants being on hand, they were able to evacuate the patients without loss of life; but this occurrence called attention to the tremendous danger to which these Civil War, Spanish War, and World War veterans were continually subject. Shortly after the fire last year I took up the matter of a new hospital with the Bureau of the Budget; but they refused to consider the matter on its merits. It was taken up with the War Department, and they also refused to consider it. I took it up with General Hines and could secure no remedy from him, as he had no funds that could be utilized for that purpose.

I then presented the compelling facts to the Military Affairs Committee, and the menace of existing conditions was so apparent and the danger so threatening that the bill passed that committee unanimously. It was taken up and discussed on the floor of this House and passed, providing for a sanitary, fireproof hospital down there at Togus in place of the present two and three story frame structure, with its wooden staircases and no fire stops, with 30 per cent of the patients Civil War veterans, absolutely bedridden, who could not be safely removed from the building in case of fire.

Later it was thought by General Hines that he might like to build this hospital 2 or 3 miles away from the present structure, on higher ground on the banks of the river, and I agreed with him that such action would be very desirable.

The independent offices bill provided an appropriation of $750,000 for this hospital, and stated that it might be built at or in the vicinity of Togus.

Now, here was a measure that originated in this House, originated without the approval of the Budget and without the approval of the War Department. It originated because of deplorable conditions for which we of this House were responsible. This legislation was passed by this House giving me this hospital at Togus. Later legislation was enacted providing for an appropriation with which to build the hospital; and these Civil War, Spanish War, and World War veterans housed in that old structure have rejoiced that they were to have a new hospital at this home, safe, sanitary, fireproof, and equipped to give them proper treatment. Now when all this has been done, and well done, this Senate bill comes to us with a provision that the director, "is further authorized to use all or any part of the money authorized to be appropriated," for the Togus Home, either at Togus, or "at any other national home or hospital under the jurisdiction of the Veterans' Administration, or for any of the purposes set forth in section 1 of this act."

This bill, if agreed to as it comes from the Senate, would allow the money appropriated for the Togus project to be spent anywhere in the United States, might be responsible for a continuance of the deplorable and menacing conditions at Togus.

Mr. RANKIN. Let me say to the gentleman from Maine that so far as the House Committee is concerned, all we did was to set out in the report certain allocations. It is not binding. The Senate failed to adopt any such report. We have no power on earth to make them adopt one, and the Administrator of Veterans' Affairs up to this $12,500,000 or up to the limit of the House authorization, virtually assures us he will carry out these allocations or these recommendations. If we refer this bill to conference, I will say to the gentleman from Maine, he is not only likely to lose what he has under the House allocation in the report, but he is likely to lose the entire bill.

Mr. NELSON of Maine. Let me finish my statement. The gentleman interrupted me.

Mr. RANKIN. I understand that, but I yielded to the gentleman under my reservation of objection.

Mr. NELSON of Maine. The gentleman evidently does not understand the real situation nor the cause of my complaint. This House passed the bill for the establishment of the hospital at Togus and the bill passed the Senate. This House made the appropriation and the appropriation bill has passed the Senate, has been approved by the President, and is a law to-day. There is no further legislation needed so far as this particular home is concerned and no valid excuse for its incorporation in this legislation.

Now, General Hines presented this bill, in the first place, to the Military Affairs Committee of the House, and I simply called the attention of that committee to the fact that the Togus project had no place in that general bill, that it needed no further legislation, and that there was absolutely no reason why it should be included in H. R. 16658; why General Hines, by that bill, should have the right to abrogate the act of both Houses and build that hospital at any place he might choose I could not understand—neither could the Military Affairs Committee of the House—and they cut the Togus project out of the general bill.

Now the gentleman tells me I am likely to lose something if this bill does not pass at this session. The gentleman is mistaken. All the legislation that is necessary to build a new hospital at Togus has already been passed by both House and Senate. The pending legislation might take it away from me. You gave me the hospital and I ask you now not to take it away from me at this time and in this extraordinary manner.

Mr. RAGON. Will the gentleman yield?

Mr. NELSON of Maine. Yes.

Mr. RAGON. As I understand it, the bill that passed the House here in its terms did not designate any particular place for the location of a hospital.

Mr. NELSON of Maine. It certainly did; and that location was to be at Togus, Me., or in its vicinity.

Mr. RAGON. It is in the body of the bill.

Mr. NELSON of Maine. Yes; and in the appropriation measure.

Mr. LUCE. May I say that it is not the Veterans' Committee bill that contains that specific provision but a bill from the Military Affairs Committee.

Mr. RAGON. The bill we have here for conference is the hospital bill that passed the House the other day.

Mrs. ROGERS. Yes; the bill that passed the House and amended by the Senate. The Smoot amendment added approximately $5,000,000 for the Veterans' Bureau hospitals and it also added a provision providing for $2,850,000 for soldiers' homes. That provision passed the House in the James bill the same day the House passed H. R. 16982. I hope the Members on the floor who have soldiers' homes in their districts may realize that if these amendments are adopted—I want Tennessee to remember that it may lose its soldiers' home. The gentleman from Maine [Mr. NELSON] may lose his soldiers' home.

Mr. RAGON. The report of the Veterans' Committee designated one hospital for Arkansas in the northwest section. But the Veterans' Committee, without rhyme or reason, designated also that the regional officers now stationed at Little Rock, where they should be placed in the new hospital, are put up in the northwest section.

Mrs. ROGERS. I think as far as the regional officers are concerned that can be adjusted with little effort. It is not for the welfare of patients sometimes to have regional officers in the hospitals. That is really an administrative matter.

Mr. RAGON. I think it is for the welfare to have these officers in a section of the State where every Member of Congress can take their constituents there, where the boys can hitch-hike if necessary or go in their old Ford, whereas they have put these regional officers 150 miles from the center of Arkansas.

Mrs. ROGERS. In the House report the designation is simply "Arkansas—new hospital and regional office." It does not state in what part of Arkansas, or that regional offices must be together.

There is also a slight misunderstanding about South Dakota, which is perhaps my fault in writing the report. Legionnaires, all the Members of Congress from South Dakota, and people from South Dakota asked for additions to the Hot Springs hospital, and it is my belief that the appropriation for South Dakota will be used as they requested. The location of the regional office is not specified in the report.

Mr. SNELL. Mr. Speaker, if this discussion is to go on much longer, we will have to call for the regular order. We are willing to give a reasonable time, but we do not want to consume all the afternoon.

Mr. RAGON. General Hines told me that they were placing the regional officers in northwestern Arkansas, notwithstanding they have a hospital in process of erection at Hot Springs, and a hospital in Little Rock, and yet they take these regional officers and stick them up in the northwest corner of the State, 150 miles from the center.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to disagree to the Senate amendments to the bill H. R. 16983 and ask for a conference. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, I move to instruct the conferees to agree to all the Senate amendments, and I would like to be heard on my motion.

The SPEAKER pro tempore. The gentleman from Mississippi moves to instruct the conferees to agree to all of the Senate amendments.

Mr. RANKIN. Mr. Speaker, we are all interested in this matter and I want to lay before the House my views of the situation.

In the first place, may I say to the lady from Massachusetts [Mrs. ROGERS] that Virginia is just as much entitled to consideration in this bill as any other State? We did not attempt in the original bill to allocate these hospitals, but we did make recommendations in the report. We have done that before. They are binding on nobody. It is merely a suggestion as to how they should go. The bill went over to the Senate and it was thoroughly discussed there. The only thing the Senate did, so far as that is concerned, is to increase the amount to $20,000,000. It is true they incorporated the James bill for the soldiers' homes in the South. Two million five hundred thousand dollars goes to that, but it still leaves $5,000,000 additional. They made no suggestion as to these allocations, but I am going to read you at this point a copy of a letter that General Hines wrote Mrs. ROGERS with reference to this proposition.

Mr. McSWAIN. What is the date of the letter?

Mr. RANKIN. February 24. That letter is as follows:

FEBRUARY 24, 1931.

Hon. EDITH N. ROGERS,
House of Representatives, Washington, D. C.

MY DEAR MRS. ROGERS: Reference is made to our discussion this morning concerning the policy of the Federal Board of Hospitalization and the Veterans' Administration in locating throughout the United States such additional hospital facilities as Congress may from time to time authorize to be constructed.

While authorities for hospital construction, with few exceptions, have in the past been general, and in the acts themselves there has not usually been specified any particular locations, it has been the policy of the Federal Board of Hospitalization and the Veterans' Bureau, prior to consolidation, and, since consolidation, of the Veterans' Administration to give full weight to such schedules outlining the need of construction as may have been recommended by the Veterans' Bureau, and which schedules, inferentially at least, have been indorsed by the appropriate committees of the Congress. Similarly, if the Congress passes a construction bill, based upon a program which its committees developed and which in turn represented modification of a program which may have been submitted by the Veterans' Administration, it would be the policy of the Federal Board of Hospitalization and the Veterans' Administration to give full weight to such a schedule, as it would be interpreted as representing the intent of Congress when taking action on the legislation before it.

Therefore, while I am unable at this time to commit the Federal Board of Hospitalization to any specific action in locating such additional hospital facilities as may be authorized, assurance may be given that the intent of Congress will be fully recognized in the considerations of the board, and such schedules as may have been presented to the Congress in authorizing additional construction will serve as a guide in the final action taken by the board.

Very sincerely yours,

FRANK T. HINES, *Administrator.*

General Hines in that letter has given as much assurance as he is going to be able to give.

What do you gain by sending this bill to conference? There are men in this House and there are men in the Senate who are opposed to this legislation. Do not forget that. Talk about moving the soldiers' home in Tennessee! All the powers of the Veterans' Administration could not move that home.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. For a question.

Mr. STAFFORD. There is nothing in this bill that would authorize the administrative head to remove any soldiers' home such as was suggested by the gentleman from Maine.

Mr. RANKIN. Why, certainly not.

Mr. STAFFORD. That is just a scarecrow.

Mr. NELSON of Maine. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. For a question.

Mr. NELSON of Maine. Does the gentleman mean to tell me that that bill does not say that this director can take that appropriation that has become a law from my hospital and spend it any place in the United States that he desires?

Mr. RANKIN. I say that the Veterans' Administrative can not move a soldiers' home.

Mr. NELSON of Maine. This gives him the power. I suggest the gentleman read the bill.

Mr. RANKIN. I am not willing to sacrifice this bill in order to tie the hands of the administrator on one proposition.

Mr. NELSON of Maine. Why should it be in that bill at all? Tell me that.

Mr. RANKIN. Which bill?

Mr. NELSON of Maine. It is completed legislation. It has nothing to do with this whatever. Why is it there?

Mr. RANKIN. It was none of our business; it was not before our committee. It was put on in the Senate. I am not willing to sacrifice the possibility of securing $20,000,000 worth of hospitalization for disabled veterans merely to go to conference and possibly tie this bill up and kill it.

Mrs. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield for a question.

Mrs. ROGERS. At this point in the RECORD I would like to have the gentleman see the report of the Senate on section 5, reading as follows:

Section 5 of the bill authorizes the Administrator of Veterans' Affairs, with the approval of the President, to reallocate, if found desirable, certain projects heretofore authorized by the public acts enumerated therein. This section will permit of the building of certain projects either at the places heretofore authorized or elsewhere and will permit distribution of the money authorized for more than one unit.

It most certainly does give the power to take any money already allocated and reallocate it anywhere, and it is in Senator SMOOT's own report, which accompanies H. R. 16982, as amended by the Senate. [Applause.]

Mr. RANKIN. A hospital that is already built the administrator could not remove if he wanted to.

Let us see what you may do. You send this bill to conference. You are dealing with men at the other end of the Capitol who have just as much ability and just as much power, even more, than we have. Suppose you add one amendment. You have to go then and get it approved by the Senate, and you have to come back and get it approved by the House. You tie this bill up in conference, and you are likely to lose the entire amount. You are never in all the world—and I know whereof I speak—going to get the Senate to write these allocations into the report as we have done. So why go to conference at all?

Mr. McSWAIN. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. McSWAIN. The Federal Board of Hospitalization is merely created by Executive order. It has no legal status, has it?

Mr. RANKIN. Certainly not.

Mr. McSWAIN. It is purely an advisory board.

Mr. RANKIN. Yes.

Mr. McSWAIN. Whatever General Hines said there himself will bind him in the exercise of his legal authority under this bill.

Mr. ELLIS. He did not say anything.

Mr. McSWAIN. If he keeps his word, what he said will bind him.

Mr. LUCE. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. LUCE. The gentleman from South Carolina [Mr. McSWAIN] misunderstands the situation. The location of hospitals is determined by the President by Executive order. A Federal Board of Hospitalization was created to advise the President. The head of the Veterans' Bureau is a member of that advisory board. It lays its conclusions before the President.

Mr. McSWAIN. But I am correct in the statement that the Federal Board of Hospitalization has no legal existence.

Mr. LUCE. It has not.

Mr. McSWAIN. Nobody is bound by it. It can exist today and cease to be to-morrow.

Mr. LUCE. It exists only by Executive order.

Mr. McSWAIN. Certainly.

Mr. RANKIN. Our report is not binding on the President, is it?

Mr. LUCE. No.

Mr. RANKIN. Our report is binding on nobody.

Mr. LUCE. Our report has always been considered as strongly persuasive.

Mr. RANKIN. I understand. It is a recommendation. Even if we were to get the Senate to make a recommendation it would not be binding. The recommendations included in the House bill with reference to the distribution of this money up to $12,500,000 are just as binding as they would be if it came from both the House and Senate and no more. That means it is merely a recommendation. It shows the will of this House. The President may disregard it if he pleases.

Mr. BROWNING. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. BROWNING. Can the gentleman tell us whether the conferees of the House would be willing to insist on the allocation in the report of the balance of this, just like the House has allocated the first part of it? The gentleman knows it is a bad policy to put through legislation where there is no allocation made, even by recommendation. Can the gentleman tell me whether the conferees would insist on the allocation of the rest of it in the report?

Mr. RANKIN. Now suppose we did. Personally I think Virginia is entitled to a hospital. I have thought so all along. There are two or three projects for some States in this bill. Suppose some Senator or some Member of the House did not favor it, then you become deadlocked in conference; and that is what I am trying to avoid.

Mr. LINTHICUM. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. LINTHICUM. As I understand the House bill, if we adhere to that amount, then other States are precluded. Is that correct?

Mr. RANKIN. No. Permit me to explain the situation. If my motion is adopted, it means that our authorization, our recommendations, are made up to $12,500,000. There are five additional million that the Administrator of Veterans' Affairs, or the administration, if you please, may allocate to places not already taken care of.

Mr. LINTHICUM. If the gentleman's motion prevails, then we would have sufficient money by which other States might be recognized who are not now recognized?

Mr. RANKIN. Certainly.

Mr. HARE. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. HARE. In view of the statement just made by the gentleman from Mississippi [Mr. RANKIN] I understand that the committee of the House recommended a hospital for South Carolina?

Mr. RANKIN. Yes.

Mr. HARE. Now, if the gentleman's motion prevails, will that hospital be assured or will it be within the discretion of the Administrator of Veterans' Affairs?

Mr. RANKIN. It is as nearly assured as when it passed the House. We never can assure anything in a report of a committee, and it was not written into the bill and will not be in conference.

Mr. HARE. Will there be any possibility of it being eliminated if this goes to conference?

Mr. RANKIN. There might be a possibility, no matter what the Congress does, but not a probability. You will get your hospital in South Carolina.

Now, let me call attention to another thing. The Members from New York should listen to this. There is a disagreement to-day in the New York delegation, unfortunately, over the location of a hospital. Suppose we go back and go into conference and we get into a fight, which undoubtedly we will if this bill goes to conference. The chances are this bill will be tied up by you gentlemen and we will lose what we have already gained by the passage of this legislation.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 46 minutes remaining.

Mr. RANKIN. Mr. Speaker, I reserve the balance of my time and yield five minutes to the gentleman from Illinois [Mr. HOLADAY].

Mr. HOLADAY. Mr. Speaker, ladies, and gentlemen, in order that the House may exactly understand the situation, the Committee on World War Veterans' Legislation reported out a bill authorizing certain hospitals. The law did not fix the location, but it placed in the report where these hospitals should be located. The Committee on Military Affairs reported out a bill carrying $2,800,000 for additions to certain soldiers' homes. The law did not fix the location, but the money was to be allocated on the estimate made by the Veterans' Bureau. I had a personal interest, because $500,000 of that amount was to go to a home in my district. At that hearing I asked General Hines if in case this money became available it would be expended according to the written statement and proposal he had furnished to the committee. He said in that hearing that the money would

be spent in accordance with the estimate he had placed in the committee record. Now, as far as I am concerned with regard to my own institution, I am willing to rely on the statement that General Hines made to the committee. In the home in my district every bed is occupied. More than 200 men are being fed in that institution that can not be furnished with beds, and beds are being furnished by private and public charity of the citizens of Danville. In addition to those 200 or more, there are perhaps a hundred men coming in, not from my district but from other States of the Union. They come there and apply for admission. Under the law they are entitled to do that, but it is impossible for the home to take them in and to furnish them meals or furnish them beds.

So they are being supported by public and private charity. To-day in the city of Danville, and for many months past, public and private charity have been feeding more than 100 ex-soldiers and they have been furnishing beds to more than 300.

The deficiency bill will be acted upon in the Senate to-day, so I am informed. My position is not different than that of other Representatives from districts in which soldiers' homes are located, and I am of the opinion that about the only chance we have to secure facilities for these 300 men who are now walking the streets in my home city is by action on this bill now.

I confess that I much prefer the other system—that the bill itself fix the locations. If I had my choice that is the method I would follow; but I am faced, and other Members representing districts that have these homes are faced with the fact that every soldiers' home we have to-day, with possibly one exception, is crowded and is turning away numbers of ex-service men because they do not have sufficient room to take care of them. My interest is not so much in maintaining a principle, with which I agree, as it is that we be in a position next winter to care for these men. General Hines testified that the plans were completed and could be finished within 24 hours of the time that the money became available. So in order that we may be sure that these men will have homes during the coming winter I believe the thing to do is to agree to the Senate amendment in order that we may secure the appropriation at this session of Congress. [Applause.]

Mr. RANKIN. Mr. Speaker, I yield five minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS. Mr. Speaker, I think the membership of the House will remember that before the general locations for hospitals were put in the reports that accompanied the hospital bills it took General Hines as much as three years, sometimes, to select a site. Since those reports have mentioned general areas for sites for hospitals the building program has gone ahead very fast.

Your subcommittee had very exhaustive hearings. They began last spring. It studied the hospital situation. I served in hospitals from 1917 until 1922 all day and sometimes all night. I do think I know something about the needs. I have inspected veterans' hospitals since 1917. I inspected hospitals in England and France in 1917. From 1922 up to the present time I inspected veterans' hospitals for three Presidents in order to try to secure better care for our disabled, and I still think I know something about the needs. You have some very gallant veterans on the subcommittee on hospitals; one of them, Mr. JEFFERS, was an extremely brave patient in hospitals overseas and at the Walter Reed Hospital, where I had an opportunity to watch his courage; and we all know his wonderful record as a soldier. No one knows better than he the hospital needs. He and Congressman RANKIN made an exhaustive inspection of hospitals some time ago, and both have a keen interest in the subject. Colonel GIBSON was responsible in recruiting many men in New England to fight in the World War, and went to France with them to fight. Mrs. NORTON, Mr. FENN, Mr. LEHLBACH, in fact, the entire committee were most helpful in preparing this bill. The members all wished to give the veterans the benefit of a very carefully prepared program. They gave the deepest, most careful consideration to the suggested general allocation suggested in the committee report. I do believe that if we send this bill to conference we can iron it out with the Senate and that we can come to an agreement. I for one will be very glad to have the larger amount, which is in the Senate bill. As I have said before, I feel very sure the Senate itself does not understand the provisions of the bill or of the report. I do beg that you will let this bill go to conference. [Applause.]

Mr. HOLADAY. Will the gentlewoman yield?

Mrs. ROGERS. Yes; gladly.

Mr. HOLADAY. I understand that the gentlewoman will be a member of the conference committee?

Mrs. ROGERS. I do not know about that.

Mr. HOLADAY. Does the gentlewoman feel there is any reasonable chance of this conference committee agreeing upon its report in time to get an appropriation through at this session of Congress?

Mrs. ROGERS. I should suppose, of course, that everybody on that conference committee, both in the House and in the Senate, would be only too anxious to have early action. I feel very sure that an appropriation can be secured. We all know the need. We know that over 10,000 men are awaiting hospitalization now, according to figures secured from the regional offices of the Veterans' Bureau, and over 6,000 from figures given to me by the central office of the Veterans' Bureau in Washington, and I should not think anyone would be hard-hearted enough to oppose or hold up this legislation. [Applause.]

Mr. HOLADAY. Does the gentlewoman realize that to-day may be the last opportunity to get an item in the deficiency bill?

Mrs. ROGERS. I think we can take care of that, because we have taken care of it in the past two years. I am sure we can take care of it. Everybody wants to pass this legislation, and now it is only a question of getting together. It is a question of taking out section 5 of the Senate amendment and at least keeping the allocations suggested in the House report. [Applause.]

Mr. RANKIN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. COOKE.]

Mr. COOKE. Mr. Speaker, some reference has been made by the gentleman from Mississippi to some unpleasantness existing between Members from New York State. I know he has in mind a little incident which occurred on the day of the passage of this bill. I want to assure the membership of this House that as far as I am concerned any unpleasantness that occurred or any ill feeling that may have been engendered at that time has been completely submerged by the interest I have in the veterans themselves. [Applause.] I am interested in procuring at this session a bill which will provide hospitals for the veterans of this country and I am not interested in any unseemly scramble that may take place between Members of Congress for the allocation of hospitals to their respective districts. [Applause.]

We have in our hands the welfare, the happiness, and health of thousands of veterans. As the gentlewoman from Massachusetts stated a few moments ago, 10,000 veterans are now awaiting hospitalization. I am not interested in where these hospitals are located, as long as they are located somewhere near the veterans to be served. I am exceedingly interested in seeing that the bill which we have passed, and which the Senate has amended, is passed at this session of Congress. I entertain the same fears and the same doubts that a good many Members of this House entertain, that if we send this bill to conference we are simply playing with time, and that the chances are very much opposed to our getting the bill through at this session of the Congress. In the interest of these men, in the interest of men who are awaiting beds and who are awaiting hospitalization, I believe we should vote to instruct the conferees to agree to the Senate amendment at this time.

Ladies and gentlemen, I want to say to you again that this is the most important bill, to my mind, affecting veterans, coming before the House at this session. We are not dealing with unemployment; we are dealing with disease, with disability, with a medical situation that we can cure by our action here; and I do not think any action of ours ought to be taken at this time that will in any way impede or

place any obstacle in the way of the passage of this bill at this session of the Congress.

Mr. DYER. Will the gentleman yield?

Mr. COOKE. Yes.

Mr. DYER. Which of the two bills does the gentleman think is better for the World War veterans, the one passed by the House or the amendment put on by the Senate?

Mr. COOKE. I am better satisfied, sir, with the bill passed by the Senate.

Mr. DYER. The gentleman thinks that is preferable to the House bill?

Mr. COOKE. Yes; I do think it preferable to the House bill.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. COOKE. Yes.

Mr. O'CONNOR of Oklahoma. I notice statements have been made that there are 10,000 veterans now without hospitalization. Is there any record to show how many of those men have service-connected disabilities?

Mr. COOKE. I have no information to that effect.

Mrs. ROGERS rose.

Mr. O'CONNOR of Oklahoma. Does the gentlewoman from Massachusetts have any information along that line?

Mrs. ROGERS. I think I can put that information in the RECORD.

Mr. O'CONNOR of Oklahoma. Can the gentlewoman from Massachusetts give the approximate number?

Mrs. ROGERS. I do not want to state it from memory, because I might quote it incorrectly. I think there are probably about 200 service-connected cases awaiting hospitalization; in all, according to telegrams received from regional offices, of over 10,000; and the central office admits a waiting load of over 6,000.

Mr. O'CONNOR of Oklahoma. I would like to remark that the report of the committee shows that 71 per cent of the beds are now occupied by people who have no service-connected disability, and I am wondering how many there are who have service-connected disability who are entitled to hospitalization but under the law we passed they can not give them such hospitalization because the bed is already occupied by a veteran whose disability is not service connected.

Mr. COOKE. Mr. Speaker, I refuse to yield further and yield back the balance of my time.

Mr. RANKIN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Speaker, I am very glad to know that my distinguished colleague from New York has finally come to the conclusion that we owe something to the disabled veterans. Last year, on February 18, 1930, I introduced a bill for a hospital for western New York, and I introduced it at the request of the legislative committee of the American Legion. They made this request because of a resolution passed at the annual convention of the American Legion at Louisville, Ky., which was reaffirmed at the Boston convention of the American Legion. I introduced the bill the same day I received the letter, on February 18, 1930.

The first hearing was held on April 2 before the Veterans' Committee of the House. The second hearing was held this year on January 9, and I have pressed this bill and have worked for this bill to get a hospital for western New York.

Mr. COOKE. Will the gentleman yield?

Mr. REED of New York. No; not now.

The gentleman who has just spoken, my colleague from New York, did not introduce a bill, he did not attend a hearing, he did not manifest any interest in this proposition until three days after the hearings were closed on this bill for a hospital for western New York.

I agree with the gentleman that the first consideration is the welfare of the soldier to be served, and I have no other interest in the matter. I have made my position clear in the RECORD heretofore, and I repeat that what I want is to have this hospital in a great health center, centrally located, to serve the veterans of the district to be served, and this means western New York, a part of Pennsylvania, and the eastern part of Ohio.

I want to say, further——

Mr. COOKE rose.

Mr. REED of New York. I am not yielding now.

For months and months the Veterans' Committee of the House has given intensive study to the hospitalization needs of the soldiers of this country. I do not know of any body of men who have spent more time, I know of no woman who has spent more time for years in the interest of the soldier, the crippled soldier, the soldier in need of hospitalization, than the distinguished chairman of the subcommittee, Mrs. ROGERS, of Massachusetts. [Applause.] I believe that when the subcommittee of the House takes a certain position as to the needs of the soldiers of this country they at least have some idea of what should be done in the way of hospitalization. [Applause.] I believe this House has some rights, and I do not believe that a bill should be sent over there that has had months of study, with a report accompanying it, and that then a little conference of the Finance Committee of the Senate, consuming less than three hours of time, with less than one hour of debate on the floor of the Senate, should immediately override the careful study and investigation of the committee of the House. The House has passed favorably on this matter.

Mrs. ROGERS. Will the gentleman yield?

Mr. REED of New York. Yes.

Mrs. ROGERS. The Senate has so stated—it did not have time to study the location.

Mr. REED of New York. Exactly. The Senate stated just as the distinguished gentlewoman from Massachusetts has said to you, that they had no time to study the situation at all; that they proposed to throw the House bill on the junk heap and then force the House to take their proposition and let the whole thing be handled by one man, regardless of the wishes of the House.

Mr. CROWTHER. Will the gentleman yield?

Mr. REED of New York. Yes.

Mr. CROWTHER. Can not the two gentlemen from New York compose their differences and yield in favor of having this hospital in Schenectady County? [Laughter and applause.]

Mr. REED of New York. We have no differences. The gentleman to-day has stated where he stands and he is standing now where I have stood all the time since the day I introduced the bill.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. REED of New York. Yes.

Mr. SCHAFER of Wisconsin. The Senate provided $5,000,000 additional for hospitals. Does the gentleman take the position that the committee of the House is correct and that the Senate is wrong in putting on $5,000,000 more?

Mr. REED of New York. No; if the Senate wants to add $5,000,000, well and good; I have no objection.

Mr. SCHAFER of Wisconsin. It shows that the Senate has given more consideration to the needs of the veterans when they add $5,000,000 more.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. RANKIN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Speaker, along with the two previous speakers I, too, come from the great State of New York and am listed as one of their colleagues. I want to compliment our junior Member, who has only been in Congress a short time, for taking the floor and favoring the Senate bill. He was not prompted by selfish motives; he wants the best bill and the safest one to secure at this session. If we accept the Senate bill, it can reach the White House this week; if you reject it, we may have no legislation this Congress.

I regret exceedingly this attack upon the gentleman from New York [Mr. COOKE] by his colleague, who comes from an adjoining district. It is most unfortunate and unfair. It is the second attack within a week. I want to say to you ladies and gentlemen on the Republican side it does not look like teamwork or fair play. You ought to cooperate by helping and assisting your new Members. Since the gen-

tleman from New York [Mr. COOKE] came to Congress he has worked diligently to secure proper hospital facilities for our veterans. He is willing to accept the Senate bill, and in expressing his position he was both fair and logical.

Now, there is some difference between the House and the Senate bills. The Senate bill is a more liberal bill than the House bill. It provides $5,000,000 more for veterans' hospitals. Those who are in favor of adequate hospitalization should favor the Senate bill for two reasons: The first is that it insures a bill at this session; and, secondly, it provides for greater hospital facilities than the House bill. There are other arguments that can be advanced in support of this measure. One is that the plans are nearly ready for the construction of hospitals, and the expenditure of this large amount of money at this time will provide work for the unemployed. That surely should recommend the bill to us. And, above all, there are thousands of veterans, boys who went over the top—we ought to think of them above everything else. They are in need of hospitalization now. [Applause.]

I say to Republican and Democratic Members alike, do not imperil the chances of this legislation. Accept the Senate amendment, which is more liberal than the House bill, and send it on its way to the White House, where it can become a law at once. My colleague from New York [Mr. COOKE] and I are willing to accept the Senate amendment because it will assure the passage of this bill. [Applause.]

I am willing to trust the Federal hospital board to select a site, for they will protect the best interest of the veterans. I challenge the statement made on this floor by my distinguished colleague, Mr. REED, when he said he introduced the bill recommended and indorsed by the Legion. The American Legion from New York did not recommend the location Mr. REED suggests. They recommended a bill providing for a hospital in western New York that will be available and accessible to the greatest number of veterans in need of hospitalization. The American Legion stands for the disabled veterans. They stand for no district lines; they are not interested from a political viewpoint. They are interested in the humane welfare of the disabled veterans. [Applause.]

Mr. RANKIN. Mr. Speaker, I yield one minute to the gentlewoman from Massachusetts.

Mrs. ROGERS. Mr. Speaker, I wish to explain that the House bill provides for immediate construction, so that the unemployed would get the benefit of this immediately, and usually veterans are given the preference. The Senate bill provides for hospital construction up to 1935. The House bill is for immediate construction.

Mr. RANKIN. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. JEFFERS].

Mr. JEFFERS. Mr. Speaker, ladies and gentlemen of the House, in my humble judgment it is not a wise idea for the House to compel our conferees to accept the Senate bill as is. Section 5 of the Senate report on the Senate bill, which you have before you, reads as follows:

> Section 5 of the bill authorizes the Administrator of Veterans' Affairs, with the approval of the President, to reallocate, if found desirable, certain projects heretofore authorized by the public acts enumerated therein. This section will permit of the building of certain projects either at the places heretofore authorized or elsewhere and will permit distribution of the money authorized for more than one unit.

Mr. Speaker, it appears to me that we are just doing away with all of the work that has been done by the House Committee on Veterans' Affairs during long hearings over an extended period of time, which resulted in the careful allocation of $12,500,000 of this $20,877,000, as you will find on page 4 of the House report. If we had any definite, hard and fast assurance from the Senate—anything in the Senate report to show that they agreed to the definite allocations of this money as set out in the House report, at least as far as the House amount of $12,500,000 is concerned—it would be entirely satisfactory to me. As to what may be done with the $5,000,000 which was added by the Senate, I have no objection, of course, to the detailed allocation of that amount being left to the Administrator of Veterans' Affairs or the Federal Hospitalization Board. I have no objection to the amount of $5,000,000 being added by the Senate; I am glad to see the total amount increased, but upon reading the above-quoted section 5 from the Senate report I feel impelled to say that it is bad from the point of view of our House committee and the House for us to vote here to accept the provisions of this Senate bill as is.

Mr. RANKIN. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker, ladies and gentlemen of the House, I am in favor of the House concurring in the Senate amendment. The Senate has added $5,000,000 to this bill. We have been here long enough to know that notwithstanding anything that may be said about whether the Senate committee discussed this hospitalization measure, the subcommittee of the Committee on Veterans' Legislation is not the only body that knows something about hospitals in the United States. I say to you that the Finance Committee of the Senate know just as much about the hospital situation in the United States to-day as any subcommittee of the Veterans' Committee. I say to you also that that body on the other side of the Capitol, disgusted with the dillydallying that we have been having on the hospital measures for the past three or four months, decided to have hearings themselves to try to force action by the subcommittee of our own Veterans' Committee on this bill. If you are in favor of the disabled service men in the United States being hospitalized and being cared for properly, if you really are sincere in your desire to help these men to hospital treatment, to which they are entitled, then stand by the Senate amendment and add the $5,000,000 which, as we all know, is needed urgently in the veterans' hospitals of the country to-day.

Mr. RANKIN. Mr. Speaker, I yield three minutes to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Speaker, ladies and gentlemen of the House, the difference in this bill as it stands now, if I understand it, from what it was when it left the House is this: The House passed a bill for $12,500,000 for veterans' hospitals, and along with that was a report showing tentative allocations. These allocations are not definitely binding on the hospital board any more than the building program allocations were binding when a report was furnished with the public-buildings program. That bill went to the Senate, and the Senate added about $5,000,000 for tentative projects that the Senate thought ought to go in, in addition to those provided for by the House. Now the gentleman from Mississippi has read into the RECORD a statement from the Veterans' Administrator, saying that in making these allocations under the Senate bill due weight would be given to the report filed with the Veterans' Committee of the House. So it is entirely unnecessary for any gentleman who has a project provided for in the House bill to become alarmed. Let me appeal to my friends who have their hospitals in this respect. Something has been said about Virginia. A hearing was had before the Veterans' Committee on a bill for the allocation of a hospital in Virginia. The bill was introduced by my colleague Mr. SHAFFER of Virginia. A full hearing was had. Gentlemen, there are thousands of veterans in Virginia who are unable to get hospital treatment because Virginia is one of the few States in the Union that does not have a veterans' hospital. It has been suggested that perhaps out of this additional $5,000,000 a hospital would be given to Virginia.

I do not know whether they would or whether they would not, but I appeal to you, my friends, if you have your hospital, in God's name do not stand in the way of the veterans in Virginia getting one, too. If you want hospitalization for veterans, the way to get it is to agree to the Senate report, which contains everything that the House passed, with an additional $5,000,000.

Mr. JEFFERS. Will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. JEFFERS. The gentleman understands, as far as I am concerned, I am not against the additional $5,000,000, but I do want the $12,500,000 allocation. There is nothing in the Senate report to assure us that will be done.

Mr. WOODRUM. The gentleman has the positive assurance of the Administrator of Veterans' Affairs, and I am

willing to trust him. I think his actions show that he and the hospital board can be trusted. That report will be given every weight and consideration when they come to the location of hospitals. Every Member of this House is committed to a hospital program for veterans.

Gentlemen, one week from to-day we adjourn. Let us adopt this conference report with Senate amendments and start this legislation on its way to the White House.

Mr. RANKIN. Mr. Speaker, I yield two minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Speaker, I hope the motion of the gentleman from Mississippi will prevail. I feel we are critically endangering this legislation if it does not prevail.

I grant the sincerity of purpose of the lady from Massachusetts [Mrs. ROGERS]. I recognize the wonderful work she has done. But, Mr. Speaker, she can only promise that she hopes the conferees can reach an agreement.

If they do so, she can not promise that there will be any prompt action that will insure the enactment of this bill before we adjourn.

I only have two minutes, and I would like to use the other minute to answer the gentleman from Oklahoma who raised a valid question regarding service-connected and nonservice-connected cases. I would ask the gentleman to go into the hearings before the Committee on World War Veterans' Legislation and study the Veterans' Bureau records, which will show the percentage of cases that were nonservice connected some years ago that are now service connected.

That leads indisputably to the conviction that on the list of nonservice-connected cases now are a very large number of cases which will be service-connected cases in a short time. Standards are changing.

Remember this: That every man who goes to a hospital make application for compensation for service connection, and he works in his misery and in his illness to establish that claim. Do not penalize that man and do not set up harsh standards which will leave him out of the picture entirely.

I hope the motion will prevail.

Mr. RANKIN. Mr. Speaker, I yield two minutes to the gentleman from South Carolina [Mr. GASQUE].

Mr. GASQUE. Mr. Speaker and ladies and gentlemen of the House, I come from a State in which Congress has not yet seen fit to establish a veterans' hospital. In a recent letter from the regional office of my State, it is stated there are over 200 veterans who can not be hospitalized because of lack of beds. We are being compelled to send those veterans who are hospitalized from my State 300 to 500 miles for hospitalization, and then can not get beds for many who need it. In the House bill there is provision for a hospital in my State, South Carolina. I fear that unless the motion of the gentleman from Mississippi prevails there will be no hospitalization bill at this session of Congress. I am in favor of amply providing for the proper treatment of veterans at the earliest possible moment even though we have to sacrifice some of our personal wishes.

I have just had a conversation with General Hines regarding the Senate amendment, and I say to you that I have full confidence in General Hines and the hospital board. We were willing to leave it to them as to where the hospitals shall be placed. I feel assured if this bill passes we will get a hospital in South Carolina as suggested in House bill. I am not questioning the judgment of the hospital board, because I consider it is composed of as fair-minded, as honest, and as able men as we have in this Nation to-day. I feel sure that they will do the right thing, and I hope the motion of the gentleman from Mississippi will prevail.

Mr. RANKIN. Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, I am in favor of the motion of the gentleman from Mississippi [Mr. RANKIN]. I want to call the attention of the House to the fact that this is only an authorization bill, and then after the bill has passed the House it is necessary to provide appropriations to carry it into effect.

The longer the passage of this bill is delayed the less likely we are to get the money under an appropriation for the building of these hospitals.

The second deficiency bill is now in the Senate. If we could agree to these amendments and put this law on the statute books, we can get in that deficiency bill for sufficient money to start building. This Senate bill gives us some $6,000,000 more. It gives those States where hospitals are desired and not provided for a chance to get some portion of this $6,000,000 for hospitals in their respective States. If we agree to the motion of the gentleman from Mississippi, the bill will immediately become law and it will then bestow even more glory to the lady from Massachusetts, who has worked so hard. It merely extends hospitalization for the boys, and that is needed badly enough.

I sincerely trust the motion will prevail.

Mr. RANKIN. Mr. Speaker, I yield two minutes to the gentleman from South Carolina [Mr. MCSWAIN].

Mr. MCSWAIN. Mr. Speaker and Members of the House, the condition in South Carolina is so urgent that I feel complete confidence that one hospital of the several to be built will be placed within the borders of that State, out of whatever sum of money may be appropriated, because to-day there are 310 South Carolina boys in hospitals in other States, with 350 others now in urgent need of hospitalization and with no beds anywhere to receive them. With a soldier population of nearly 64,000 men in that State we have no soldiers' home and no hospital, and our need is so great that I am satisfied that whoever may administer this fund one hospital will be placed in South Carolina.

What is the issue? As to the $12,000,000 which was authorized by the House bill, the distribution recommended in the report was predicated upon the recommendation of General Hines. It is not written into the face of the bill. The $2,800,000 that came from the Committee on Military Affairs was predicated upon the recommendation of General Hines and was not written into the bill. That $15,000,000 stands virtually as it stood when it left this House. All the Senate did is to add $5,000,000 more, which is virtually a free fund, an undistributed fund, which can be allocated here and there, as the judgment of the Administrator of Veterans' Affairs may determine, with the approval of the President.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. RANKIN. Mr. Speaker, I yield one minute to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Speaker, I hope the motion made by the gentleman from Mississippi will prevail and that the Republican membership of the House will not fall for the weak-kneed arguments which have been made regarding the allocation. Since when do the administrative officers of the Government in interpreting a law and the expenditure of a lump-sum appropriation provided by law look into the committee report for an allocation? If so much emphasis is to be laid on the proposition of allocations, why did not the committee write the specific allocations into the bill?

The present session of this Congress is drawing to a close and I sincerely hope that no friend of the veterans, and those who voted against the bonus and said they were in favor of caring for the disabled, will vote against the pending motion. We should to-day accept the Senate amendment, because it provides an additional $5,000,000 for buildings in which to hospitalize the veterans and because this Congress is about to adjourn and a vote against the amendment may result in no additional buildings due to a legislative jam. [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. RANKIN. Mr. Speaker, I yield one minute to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Speaker, this is the most appealing part of all the veterans' legislation that has been proposed to this Congress at this session. I sincerely trust the House will not refuse to agree to the additional amounts that have been

recommended by the Senate, because they are absolutely needed. The American Legion at its Boston convention, after a survey of the entire country, recommended a hospital program which included the needs of California. The House committee recommended only about one-fifth of that program so far as it related to my State. The Senate addition would still leave it below 50 per cent. I have information from the Veterans' Bureau officials in California to the effect that their official waiting list is at least 50 per cent under the number who desire and need hospitalization. It is generally known throughout the State by disabled veterans who need hospitalization that there is no use of applying to the Veterans' Bureau, because the Government's hospitals are filled and can not take care of them. Those men are being taken care of to-day by the State and counties and by charitable organizations, when they ought to be taken care of by the Government itself.

Mr. RANKIN. Mr. Speaker, I yield one minute to the gentleman from Oklahoma [Mr. O'CONNOR].

Mr. O'CONNOR of Oklahoma. Mr. Speaker, I believe we should pass the Senate bill which provides for more money and provides it now. There is no disagreement between the gentleman from Minnesota [Mr. KVALE] and myself. The hearings were not available when we passed this bill. I have never read them, and very few of you gentlemen ever had a chance to study them. I do not think the Members should consider whether their districts are to get a hospital or not. We should not put our districts ahead of the veterans. Let us put the soldiers first in what we do.

I stand on what I have already said. I have had experience with service-connected disabled veterans being denied hospitalization because there were no beds available in the hospitals. The committee report shows 71 out of every 100 beds are filled by veterans with no service-connected disability. The disabled veteran with service connection must be cared for first.

Under the hospitalization act we must build more hospitals if we are to care for service-connected disabled men, and let us take care of them by passing this Senate bill and not take the chance of failure of conferees to agree and thus pass no legislation at all. I hope you will support the Rankin motion. [Applause.]

Mr. RANKIN. Mr. Speaker, I yield one minute to the gentleman from Oklahoma [Mr. MCCLINTIC].

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I hope this House will adopt the motion made by the distinguished gentleman from Mississippi. You will remember that a few days ago, when I was opposing the construction of naval hospitals to take care of Veterans' Bureau patients, I said the Veterans' Bureau ought to build its own hospitals and ought to take care of its own disabled. This is the kind of a policy that ought to be carried out and put into effect. [Applause.]

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on this question.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LEECH. Mr. Speaker and Members of the House, although I am quite willing to vote to accede to the other body of Congress in the amount appropriated for veterans' hospitalization, or to appropriate any further sum that is necessary in the hospitalization of disabled veterans, I can not accede to the other body in the placing of exclusive authority in the matter of allocating funds appropriated for veterans' hospitalization in any one man.

The veterans of Pennsylvania have not received the consideration in the matter of hospitalization in their own State to which they are entitled by all the laws of justice. However, in the House bill, allocations for the provision of 310 beds at Coatesville and 200 beds at Aspinwall were provided, which although not nearly sufficient to satisfy our needs, was at least a pronounced step in the right direction. Under the Senate bill, although carrying a larger sum for hospitalization, our State has no assurance whatever that she will receive any part of this appropriation, and the entire matter of distributing the fund will be in the hands of the Veterans' Administration. Although I have the highest respect for the present head of the Veterans' Administration, it is my belief that the present system of allocating this hospitalization and facilities is better handled as it is now, under which system, the Committee on World War Veterans' Legislation of the House has something to say.

Mr. RANKIN. Mr. Speaker, I move the previous question on the motion, and I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 164, nays 206, not voting 61, as follows:

[Roll No. 39]

YEAS—164

Abernethy	Davis	Igoe	Pou
Adkins	Dempsey	Irwin	Prall
Allgood	Dickstein	James, N. C.	Pritchard
Almon	Dominick	Johnson, Ill.	Quin
Arnold	Dorsey	Johnson, Okla.	Ragon
Auf der Heide	Doughton	Johnson, Tex.	Rainey, Henry T.
Ayres	Douglas, Ariz.	Jones, Tex.	Ramey, Frank M.
Baird	Dowell	Kennedy	Ramspeck
Bankhead	Doxey	Kerr	Rankin
Black	Drane	Kvale	Rayburn
Bland	Drewry	Lambertson	Romjue
Blanton	Driver	Lankford, Ga.	Rutherford
Bloom	Edwards	Lindsay	Sabath
Box	Eslick	Linthicum	Sanders, Tex.
Boylan	Evans, Mont.	Lozier	Sandlin
Brand, Ga.	Fisher	Ludlow	Schafer, Wis.
Briggs	Fitzpatrick	McClintic, Okla.	Schneider
Browning	Fuller	McDuffie	Selvig
Brunner	Fulmer	McKeown	Shaffer, Va.
Buchanan	Gambrill	McMillan	Sirovich
Byrns	Garbr, Okla.	McReynolds	Smith, W. Va.
Canfield	Garner	McSwain	Somers, N. Y.
Cannon	Gasque	Mansfield	Stafford
Carley	Gavagan	Mead	Steagall
Cartwright	Glover	Milligan	Sullivan, N. Y.
Chase	Goldsborough	Montague	Sumners, Tex.
Clague	Granfield	Montet	Tarver
Clark, N. C.	Green	Mooney	Taylor, Colo.
Cochran, Mo.	Greenwood	Moore, Ky.	Tucker
Collins	Gregory	Moore, Va.	Underwood
Condon	Griffin	Morehead	Vinson, Ga.
Connery	Hancock, N. C.	Nelson, Mo.	Warren
Cooke	Hare	Norton	Whitehead
Cooper, Tenn.	Hastings	Oldfield	Whittington
Cooper, Wis.	Hill, Ala.	Oliver, N. Y.	Williams
Corning	Hill, Wash.	Owen	Wilson
Cox	Holaday	Palmisano	Wingo
Crisp	Howard	Parks	Woodrum
Cross	Huddleston	Parsons	Wright
Crosser	Hull, Tenn.	Patman	Yates
Cullen	Hull, Wis.	Patterson	Yon

NAYS—206

Ackerman	Dallinger	Hartley	McClintock, Ohio
Aldrich	Darrow	Haugen	McCormack, Mass.
Andresen	Davenport	Hawley	McCormick, Ill.
Andrew	Denison	Hess	McFadden
Arentz	De Priest	Hickey	McLaughlin
Bacharach	Dickinson	Hoch	McLeod
Bachmann	Doutrich	Hogg, Ind.	Magrady
Bacon	Dunbar	Hogg, W. Va.	Manlove
Barbour	Dyer	Hooper	Mapes
Beedy	Eaton, Colo.	Hope	Martin
Beers	Eaton, N. J.	Hopkins	Menges
Blackburn	Elliott	Houston, Del.	Merritt
Bohn	Ellis	Hudson	Michener
Bolton	Englebright	Hull, Morton D.	Miller
Brand, Ohio	Erk	Hull, William E.	Moore, Ohio
Brigham	Estep	Jeffers	Morgan
Browne	Evans, Calif.	Jenkins	Mouser
Brumm	Fenn	Johnson, Ind.	Murphy
Buckbee	Finley	Johnson, Nebr.	Nelson, Me.
Burdick	Fish	Johnson, Wash.	Nelson, Wis.
Burtness	Fitzgerald	Johnston, Mo.	Neidringhaus
Butler	Fort	Kading	Nolan
Campbell, Pa.	Foss	Kahn	O'Connor, N. Y.
Carter, Calif.	Frear	Kearns	Oliver, Ala.
Carter, Wyo.	Free	Kelly	Palmer
Chalmers	Freeman	Kendall, Ky.	Peavey
Chindblom	French	Kendall, Pa.	Perkins
Chiperfield	Garber, Va.	Ketcham	Pittenger
Clark, Md.	Gibson	Kinzer	Pratt, Harcourt J.
Clarke, N. Y.	Gifford	Knutson	Pratt, Ruth
Cochran, Pa.	Goodwin	Kopp	Purnell
Cole	Goss	Korell	Ramseyer
Colton	Hadley	Kurtz	Ransley
Connolly	Hale	LaGuardia	Reece
Cooper, Ohio	Hall, Ill.	Langley	Reed, N. Y.
Coyle	Hall, Ind.	Lankford, Va.	Reilly
Crail	Hall, N. Dak.	Leavitt	Rich
Cramton	Halsey	Letts	Robinson
Crowther	Hancock, N. Y.	Loofbourow	Rogers
Culkin	Hardy	Luce	Sears

Seger	Stobbs	Tilson	White
Selberling	Stone	Timberlake	Whitley
Short, Mo.	Strong, Kans.	Tinkham	Wigglesworth
Shott, W. Va.	Strong, Pa.	Treadway	Williamson
Shreve	Sullivan, Pa.	Turpin	Wolverton, N. J.
Simmons	Summers, Wash.	Underhill	Wolverton, W. Va.
Simms	Swanson	Vestal	Wood
Sinclair	Swick	Vincent, Mich.	Woodruff
Snell	Taber	Wainwright	Wyant
Snow	Taylor, Tenn.	Walker	Zihlman
Sparks	Temple	Welch, Calif.	
Stalker	Thatcher	Welsh, Pa.	

NOT VOTING—61

Allen	Douglass, Mass.	Lanham	Speaks
Aswell	Doyle	Larsen	Spearing
Beck	Esterly	Lea	Sproul, Ill.
Bell	Garrett	Leech	Sproul, Kans.
Bowman	Golder	Lehlbach	Stevenson
Britten	Graham	Maas	Swing
Busby	Guyer	Michaelson	Thompson
Cable	Hall, Miss.	Newhall	Thurston
Campbell, Iowa	Hoffman	O'Connor, La.	Wason
Celler	Hudspeth	O'Connor, Okla.	Watres
Christgau	James, Mich.	Parker	Watson
Christopherson	Johnson, S. Dak.	Reid, Ill.	Wolfenden
Clancy	Jonas, N. C.	Rowbottom	Wurzbach
Collier	Kemp	Sanders, N. Y.	
Craddock	Kiefner	Sloan	
DeRouen	Kunz	Smith, Idaho	

So the motion for the previous question was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Beck with Mr. Stevenson.
Mr. Reid of Illinois with Mr. Hall of Mississippi.
Mr. Christopherson with Mr. Busby.
Mr. Golder with Mr. Collier.
Mr. Sproul of Illinois with Mr. Lea.
Mr. Graham with Mr. Garrett.
Mr. Johnson of South Dakota with Mr. Aswell.
Mr. Esterly with Mr. DeRouen.
Mr. Lehlbach with Mr. Lanham.
Mr. Kiefner with Mr. Kemp.
Mr. Watson with Mr. Celler.
Mr. Swing with Mr. Douglass of Massachusetts.
Mr. Britten with Mr. Larsen.
Mr. James of Michigan with Mr. Hudspeth.
Mr. Leech with Mr. Doyle.
Mr. Wolfenden with Mr. O'Connor of Louisiana.
Mr. Smith of Idaho with Mr. Kunz.
Mr. Wurzbach with Mr. Spearing.

The result of the vote was announced as above recorded.

Mr. LUCE. Mr. Speaker, as acting chairman of the Committee on World War Veterans' Legislation, I wish to thank the majority of the House for giving that committee an opportunity at least to state the question at issue. By a motion to instruct the conferees the gentleman from Mississippi [Mr. RANKIN] secured an hour to present the arguments of himself and others in favor of his motion. At the end of that hour, without giving the opposition a chance, he moved the previous question. For the first time in my career in the House I have seen a committee of this House denied the opportunity to defend itself. [Applause.]

Mr. RANKIN rose.

Mr. LUCE. I will not yield one minute to the gentleman, not one second. After the discourtesy of the gentleman from Mississippi I decline to allow him to consume more of the time of the House. [Applause.]

Although there were gentlemen on the Democratic side of the House who did not favor this unique course, many others rose in its support. I have found among them so many good friends, so many gentlemen, that I know they did not understand what they were doing. I do not lay it up against them or against any other man, but I hope never again as long as I serve here will a man be denied the opportunity to present the arguments on his side of the case. [Applause.]

Now, sir, addressing myself to my fellow Republicans—I do not ask gentlemen at my right to listen—they have shown by their votes their unwillingness to consider the arguments, but to my fellow Republicans let me set forth the precise facts of the case so that they may know what they are voting upon.

Your committee proceeded as it has in previous years through the help of a subcommittee on hospitals to consider the matter of expenditures for hospital construction. The head of this subcommittee in this session has been my colleague, Mrs. ROGERS of Massachusetts. [Applause]. There is in this House, there is in this Nation, no warmer and stronger friend of the veteran than my colleague. [Applause.] To the considering of these matters she has devoted many hours of hard, intelligent, unprejudiced work, and as a result, her committee reported to the full committee a bill authorizing the further expenditure of $12,500,000 for hospital construction.

This bill passed the House, went over to the Senate, where an entirely different bill was substituted.

The amount of money was increased. No member of the Committee of the House, so far as I know, has voiced an opinion upon this increase in the amount of money. Certainly, no Member has pledged himself against it and no conferee will go into that committee averse to considering the matter on its merits. Therefore you may immediately dispose of the amount of money in the bill and turn to more serious considerations. Personally, I have no strong feeling as to the amount, but I do have very strong feeling as to certain questions of policy affecting the future most seriously which, without any action in our committee or consideration in the House itself, have been introduced without, in my judgment, adequate consideration.

Under these circumstances I doubt if I have ever seen an occasion when there was more wisdom in using a conference committee than there is in this particular instance. Following the precedents of the House in its wisdom in establishing conference committees, I most heartily indorse the eloquent plea made by my colleague [Mrs. ROGERS] that this matter be sent to conference.

That is the whole question at issue—will you give your conferees, standing for what you have stood for, an opportunity to discuss with the Senate conferees other matters in the bill which, as I have told you, are of far greater importance. I hope I have made the matter clear. I want to repeat, that there may be no misunderstanding as to the question at issue. You are to decide whether you will give to the chairwoman of the subcommittee, who will be a conferee, and myself, one-time chairman of that committee, with other House Members, an opportunity to present their views in the conference, out of which I hope will come a wise decision.

If you are willing to give those who will be House conferees an opportunity to do their duty in the usual orderly way for the best interests of the country, then you will vote against instructing the conferees. Your vote will be "no." But if you decide to follow the lead of a man on that side who would not give us an opportunity to speak you will vote "yes." Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Massachusetts moves the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Mississippi [Mr. RANKIN] to instruct the conferees to agree to the Senate amendment.

Mr. RANKIN. Upon that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 214, not voting 58, as follows:

[Roll No. 40]

YEAS—159

Abernethy	Clague	Doxey	Hare
Adkins	Clark, N. C.	Drane	Hastings
Almon	Cochran, Mo.	Drewry	Hill, Wash.
Andresen	Collins	Driver	Holaday
Arnold	Condon	Edwards	Howard
Auf der Heide	Connery	Evans, Mont.	Huddleston
Ayres	Cooke	Fitzpatrick	Hull, Wis.
Black	Cooper, Wis.	Fulmer	Igoe
Bland	Corning	Gambrill	Irwin
Blanton	Cox	Garber, Okla.	James, N. C.
Bloom	Craddock	Garber, Va.	Johnson, Tex.
Boylan	Crisp	Garner	Kennedy
Briggs	Cross	Gasque	Kerr
Brunner	Crosser	Gavagan	Kvale
Buchanan	Cullen	Glover	Lankford, Ga.
Campbell, Iowa	Davis	Goldsborough	Lankford, Va.
Canfield	Dempsey	Granfield	Lindsay
Cannon	Dickstein	Green	Linthicum
Carley	Dominick	Greenwood	Lozier
Cartwright	Doughton	Gregory	Ludlow
Chase	Douglas, Ariz.	Griffin	McClintic, Okla.
Christgau	Dowell	Hancock, N. C.	McCormack, Mass.

McDuffie	Oldfield	Rayburn	Sullivan, N. Y.
McKeown	Oliver, N. Y.	Reilly	Sumners, Tex.
McMillan	Owen	Romjue	Swing
McSwain	Palmisano	Rutherford	Tarver
Mansfield	Parks	Sabath	Taylor, Colo.
Mead	Parsons	Sanders, Tex.	Tucker
Milligan	Patman	Sandlin	Underwood
Montague	Patterson	Schafer, Wis.	Vinson, Ga.
Montet	Peavey	Schneider	Warren
Mooney	Pittenger	Selvig	Whitehead
Moore, Ky.	Pou	Shaffer, Va.	Whittington
Moore, Va.	Prall	Sinclair	Williams
Morehead	Pritchard	Sirovich	Wilson
Nelson, Mo.	Quin	Smith, W. Va.	Wingo
Nolan	Ragon	Somers, N. Y.	Woodrum
Norton	Rainey, Henry T.	Sparks	Wright
O'Connor, N. Y.	Ramspeck	Steagall	Yon
O'Connor, Okla.	Rankin	Stone	

NAYS—214

Ackerman	Dunbar	Johnson, Wash.	Rich
Aldrich	Dyer	Johnston, Mo.	Robinson
Allen	Eaton, Colo.	Jonas, N. C.	Rogers
Allgood	Eaton, N. J.	Kading	Sanders, N. Y.
Andrew	Elliott	Kahn	Sears
Arentz	Ellis	Kearns	Seger
Bacharach	Englebright	Kelly	Seiberling
Bachmann	Erk	Kendall, Ky.	Short, Mo.
Bacon	Eslick	Kendall, Pa.	Shott, W. Va.
Baird	Estep	Ketcham	Shreve
Bankhead	Evans, Calif.	Kinzer	Simmons
Barbour	Fenn	Knutson	Simms
Beedy	Finley	Kopp	Sloan
Beers	Fish	Korell	Snell
Blackburn	Fisher	Kurtz	Snow
Bohn	Fitzgerald	LaGuardia	Speaks
Bolton	Fort	Lambertson	Stafford
Brand, Ohio	Foss	Langley	Stalker
Brigham	French	Leavitt	Stobbs
Browne	Fuller	Leech	Strong, Kans.
Browning	Gibson	Letts	Strong, Pa.
Brumm	Gifford	Loofbourow	Sullivan, Pa.
Buckbee	Goodwin	Luce	Summers, Wash.
Burdick	Goss	McClintock, Ohio	Swanson
Burtness	Hadley	McCormick, Ill.	Swick
Butler	Hale	McFadden	Taber
Byrns	Hall, Ill.	McLaughlin	Taylor, Tenn.
Campbell, Pa.	Hall, Ind.	McLeod	Temple
Carter, Calif.	Hall, N. Dak.	McReynolds	Thatcher
Carter, Wyo.	Halsey	Magrady	Thurston
Chalmers	Hancock, N. Y.	Manlove	Tilson
Chindblom	Hardy	Mapes	Timberlake
Chiperfield	Hartley	Martin	Tinkham
Christopherson	Haugen	Menges	Treadway
Clark, Md.	Hawley	Merritt	Turpin
Clarke, N. Y.	Hess	Michener	Underhill
Cochran, Pa.	Hickey	Miller	Vestal
Cole	Hill, Ala.	Moore, Ohio	Vincent, Mich.
Colton	Hoch	Morgan	Wainwright
Connolly	Hogg, Ind.	Mouser	Walker
Cooper, Ohio	Hogg, W. Va.	Murphy	Welch, Calif.
Cooper, Tenn.	Hooper	Nelson, Me.	Welsh, Pa.
Coyle	Hope	Nelson, Wis.	White
Crail	Hopkins	Niedringhaus	Whitley
Cramton	Houston, Del.	Palmer	Wigglesworth
Crowther	Hudson	Perkins	Williamson
Culkin	Hull, Morton D.	Pratt, Harcourt J.	Wolverton, N. J.
Dallinger	Hull, Tenn.	Pratt, Ruth	Wolverton, W. Va.
Darrow	Hull, William E.	Purnell	Wood
Davenport	Jeffers	Ramey, Frank M.	Woodruff
Denison	Jenkins	Ramseyer	Wyant
De Priest	Johnson, Ill.	Ransley	Zihlman
Dickinson	Johnson, Ind.	Reece	
Doutrich	Johnson, Nebr.	Reed, N. Y.	

NOT VOTING—58

Aswell	Doyle	Jones, Tex.	Rowbottom
Beck	Esterly	Kemp	Smith, Idaho
Bell	Frear	Kiefner	Spearing
Bowman	Free	Kunz	Sproul, Ill.
Box	Freeman	Lanham	Sproul, Kans.
Brand, Ga.	Garrett	Larsen	Stevenson
Britten	Golder	Lea	Thompson
Busby	Graham	Lehlbach	Wason
Cable	Guyer	Maas	Watres
Celler	Hall, Miss.	Michaelson	Watson
Clancy	Hoffman	Newhall	Wolfenden
Collier	Hudspeth	O'Connor, La.	Wurzbach
DeRouen	James, Mich.	Oliver, Ala.	Yates
Dorsey	Johnson, Okla.	Parker	
Douglass, Mass.	Johnson, S. Dak.	Reid, Ill.	

So the motion of Mr. RANKIN to instruct the conferees was rejected.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Free with Mr. Busby.
Mr. Clancy with Mr. Jones of Texas.
Mr. Maas with Mr. Oliver of Alabama.
Mr. Frear with Mr. Dorsey.
Mr. Yates with Mr. Brand of Georgia.
Mr. Parker with Mr. Douglass of Massachusetts.
Mr. Guyer with Mr. Johnson of Oklahoma.
Mr. Bowman with Mr. Box.
Mr. Freeman with Mr. Bell.
Mr. Watres with Mr. Doyle.

The result of the vote was announced as above recorded.

The SPEAKER appointed as conferees on the part of the House Mr. LUCE, Mr. PERKINS, Mrs. ROGERS, Mr. RANKIN, and Mr. JEFFERS.

PERSONAL PRIVILEGE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, under the circumstances I shall have to object.

Mr. RANKIN. Then, Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Mr. Speaker, the Member from Massachusetts [Mr. LUCE], in language and in attitude wholly unbecoming a gentleman, attributed to me improper conduct in my official duties in the House to-day. I tried to get time then to answer him, but could not.

Under the motion which I made to instruct conferees the time allotted to me was one hour. The gentleman from Massachusetts [Mr. LUCE] did not ask me for a moment of time. Yet he stated on the floor of the House that I did not yield time to a single Member opposing my position. That statement was not true. I yielded time to all who asked it on both sides as far as it went. I yielded time to the gentleman from New York [Mr. REED], who was opposed to the position which I took, and he came to me later and thanked me for so doing. I yielded time to Mrs. ROGERS, who was opposed to my position. I not only yielded the time that she asked but offered her double the time she asked. She asked me for 5 minutes, and I offered her 10 minutes. Later she came to me and said that she would like to have one minute, and I yielded time to her again. The other Members on the Republican side who happened to ask for time were in favor of my position. I yielded to the gentleman from Alabama [Mr. JEFFERS], who was opposed to my position.

I repeat, the gentleman from Massachusetts [Mr. LUCE] never asked for any time. I denounce his statement as false and his conduct as unbecoming and unparliamentary. [Applause.]

PROPOSED AMENDMENT TO THE CONSTITUTION

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 3, proposing an amendment to the Constitution of the United States fixing the commencement of the terms of the President, Vice President, and Members of Congress and fixing the time of the assembling of Congress, insist upon the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table Senate Joint Resolution 3, insist upon the House amendment, and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. GIFFORD, Mr. PERKINS, and Mr. JEFFERS.

BRIDGE ACROSS ALLEGHENY RIVER, VENANGO COUNTY, PA.

Mr. COCHRAN of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 17196, granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near President, Venango County, Pa., which I send to the desk.

The SPEAKER. The Chair understands the gentleman regards this a matter of great emergency?

Mr. COCHRAN of Pennsylvania. I do.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, at or near President, Venango County, Pa., in accordance with the provisions of an act entitled "An act

to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

OLEOMARGARINE

Mr. PURNELL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 366, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 366

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 16836, to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended. That after general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. PURNELL. Mr. Speaker, ladies and gentlemen of the House, owing to the lateness of the hour and the great desire upon the part of many Members for time, I shall take only a few minutes in presenting this resolution. As the membership of the House well knows, the adoption of this rule will make in order the consideration of the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended. This is the usual rule. It provides for three hours of general debate, the time to be equally divided between the chairman of the committee and the ranking minority member, the debate to be confined to the bill, the previous question to be considered as ordered at the conclusion of the debate.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. PURNELL. Yes.

Mr. BANKHEAD. Mr. Speaker, the gentleman from Texas [Mr. JONES] is the ranking member of the committee on the minority side. He is in favor of the bill. He has generously suggested that under the spirit of the rule the time on this side should be controlled by some one who is opposed to the proposition. I assume that there will be no trouble about making such an arrangement?

Mr. PURNELL. I am quite sure there will be no objection to that. This bill seeks to amend the oleomargarine act of August 2, 1886, by changing the basis of applying the tax to be levied under the act. Under existing law, white oleomargarine is taxed at one-quarter of a cent per pound, naturally colored oleomargarine is taxed at one-quarter of a cent per pound, and artificially colored oleomargarine is subject to a tax of 10 cents per pound. This bill proposes to tax all yellow oleomargarine at the rate of 10 cents per pound, if it is yellow to a degree in excess of 1.6. If it falls below 1.6 it is subject to a tax of one-quarter cent per pound. I may add that the scientific test which is to be applied for the purpose of making this determination has been in operation in the State of Pennsylvania for a number of years and is known as the Lovibond tintometer test.

The resolution as presented contemplates three hours of general debate. We had hoped to bring this matter before the House for its consideration shortly after noon. It is now 3 o'clock. We hope to finish the consideration of the bill to-night. I therefore ask unanimous consent to modify the resolution so as to provide for two hours of general debate, instead of three.

Mr. LINTHICUM. I object.

Mr. SABATH. May I suggest to the gentleman that he defer his unanimous-consent request. I shall endeavor to ascertain with what little time we can get along. We do not desire to take up any more time than is necessary.

Mr. PURNELL. There is no reason to pursue my request further, since the gentleman from Maryland has objected.

I yield 30 minutes to the gentleman from North Carolina [Mr. POU] and reserve the remainder of my time.

Mr. POU. I yield 20 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, ladies and gentlemen of the House, I am obliged to concede that the rule brought in is a fair rule as to time and procedure, because it does not deprive the membership of the right of offering amendments and considering the bill under the 5-minute rule; but I do object to the rule because I feel it is manifestly unfair to legislate in this House under a special rule, as we have been doing.

Under the proceedings of the House the all-powerful and all-influential can secure a rule on any bill, on any measure, on any proposition. The less influential, however, have no chance of having any legislation considered by the House regardless of how meritorious it may be and how strongly favored and recommended by a committee. I consider such proceedings and practices as unfair, unjust, and discriminatory, and for that reason I am opposed to legislating under a special rule.

This rule makes in order legislation to destroy an industry in the United States which, to my mind, is unwarranted and unjustifiable. The bill provides for a tax of 10 cents per pound on all oleomargarine which has 1.6 color, as determined by the Lovibond tintometer. Oleomargarine of this color is practically white. Such a law would make it necessary to bleach ordinary cottonseed oil, peanut oil, soybean oil, and oleo oil (beef fat) before they could be used in margarine at the quarter-cent tax rate.

From inquiries I have made, I am informed that very few white papers are made that would pass that test. This towel which I hold in my hand is white, but it is way above 1.6. So it simply means that we are going to put a tax on oleomargarine of 10 cents a pound; on a product that is consumed and used only by the people, mostly in the cities, because they have not the means with which to buy butter. Because they are so unfortunate as not to have sufficient means with which to buy butter, they are going to be penalized to the extent of 10 cents a pound on a substitute.

The excuse which the proponents of this legislation, namely, the dairy and butter interests, give, is merely a sham. They maintain that the use of butterine will reduce the use of butter. To my mind that is erroneous. The reduction in the use of butter which has taken place is not because of the increased use of butterine but due to the conditions which exist in the United States. People are curtailing, not only the use of butter but also in the use of meats and eggs and all other commodities, because of hard times and the Republican prosperity, which keeps 7,000,000 people out of employment.

The reason which some gentlemen give for the need of this legislation is that the price of butter has been reduced. In this as well as in their other reasons they are wrong. Gentlemen, in proportion to the reduction of other commodities the price of butter is high.

The evidence before the committee has clearly proved that the drop in butter prices has been much less than the corresponding drop in other commodities and that the real purpose of the law was to eliminate by a taxation measure all competition with butter. The argument was solely against oleomargarine because of the presence of foreign oils, yet the bill, if made law, could destroy the use in oleomargarine of such native oils as cottonseed oil, peanut oil, soybean oil, and oleo oil in their natural colors. In short, this bill would seriously hurt the oleomargarine industry and injure those related industries, in order to artificially maintain butter prices.

I read in the newspapers to-day that eggs are bringing or selling for only 12½ cents a dozen, where formerly they sold, under a Democratic administration, for 40 cents and

50 cents a dozen. Under a Democratic administration, when we had good times, wheat was selling for $2 and $2.25 a bushel, but to-day wheat is being sold for 60 cents, and on the farm for less than that. That which applies to eggs and wheat applies also to all other commodities.

To-day you can buy most of the things needed in the home for less than 60 per cent of the prices that prevailed a few years ago.

Now, it is not the abnormal use of butterine that is responsible for it. It is the conditions which exist. Therefore, to force legislation to destroy a legitimate industry and throw out of employment from 25,000 to 40,000 people is, I think, deplorable, and will be of no benefit to the dairy interests.

I am one of those who has voted for years for every bill that came before us to relieve and aid the farmers of the country. I will continue to do so, but I think it is deplorably unfair and unjust on your part to so destroy one American industry to aid another.

What will become of the employees and the property of these various people? These thousands of workers will be thrown out of employment and this industry will be legislated completely out of business. It is an unfair piece of legislation, for which this rule should not have been reported out, nor privilege given to have it considered in preference to many meritorious pending bills, which would be helpful and beneficial to the Nation.

Some gentlemen dwell a great deal on the deception practiced on the people by the manufacturers of oleomargarine on the ground that this product lacks wholesome food value. Permit me, therefore, to read from a statement by Dr. J. S. Abbott, which, I believe, completely refutes any such charges of deception or doubts as to its merit as a wholesome and nutritious food product:

> In their separate and original state, the food products used in the manufacture of margarine are acknowledged to be pure and wholesome, refined to the highest degree, bland, palatable, easily digestible, and entirely suitable for human consumption. On this phase of the subject the critics of margarine are silent. But when these same products are scientifically incorporated into a palatable form as margarine and sold under Government supervision and control, suitably labeled as it is, so that there is no possibility of deception, then suddenly everything is transformed and the product in the eyes of these critics becomes anathema, something to be propagandized against, legislated against, talked about, and written about. This is little short of magic, that wholesome ingredients by mere mixing can lose their wholesomeness. The answer is not difficult to find.
>
> The manufacture of margarine is subject to such strict and efficient Government supervision and control that the courts of the country take judicial notice of the fact that it is a pure and wholesome article of food.
>
> The most distinguished and widely known chemists, physiologists and nutrition workers in this country and in foreign countries, such as Wiley, Luhrig, Emerson, Eddy, Osborn, Mendell, Alsberg, Evans, Brady, Halliburton, Drummond, and hosts of others, are on record that margarine is a pure and wholesome article of food. No scientific man with any training in matters of nutrition has ever made any statement to the contrary.

I also wish to call to your attention a statement by Mr. Edward F. McGrady, representing the American Federation of Labor, made before the Committee on Agriculture and Forestry of the United States Senate, at its hearings on this bill, wherein he states that—

> The American Federation of Labor is opposed to any further tax being placed upon oleomargarine because of the use of palm oil. We wish it were possible to feed every man, woman, and child in the Nation pure butter, but unfortunately and obviously this can not be done because of the almost perpetual poverty of millions of our people. It has been estimated that there are in the neighborhood of 20,000,000 of people who are living in poverty. These poor people are often victims of malnutrition. They are unable to buy the kind of food that would enable them to enjoy good health. These people being unable to purchase butter have to resort to a substitute, so they buy oleomargarine. In order to make this product a little more appetizing the use of palm oil has been resorted to by manufacturers. Palm oil is a pure product and its coloring is natural.
>
> We are opposed to any further tax being pressed upon this product because, as you know, to do so you are taxing the breakfast, dinner, and supper tables of millions of unfortunate people who are already unable to live as Americans should live and as we want them to live. We trust that this committee will not vote for this bill, or any other bill of a like nature, that would add to the burdens of our poor.

In addition, I desire to read a telegram from the National Association of Retail Grocers, sent from St. Paul, Minn., and signed by Mr. C. H. Janssen, secretary. I feel that no arguments that I might advance against this legislation can possibly strengthen my position to a greater extent than do the arguments contained in the following wire:

> Hon. ADOLPH J. SABATH,
> *House Office Building, Washington, D. C.:*
>
> Directly in behalf of the more than 30,000 individual retail food dealers, members of the National Association of Retail Grocers, and indirectly in behalf of the many thousand grocers not actually in membership, all of whom are in close daily contact with the American family and its daily food requirements, I protest against enactment of the Brigham bill, which arbitrarily places a burden upon a meritorious food and grocery product the competitive influence of which does not injure any other product. This legislation is basically wrong; it gives no added protection to, nor will it increase butter consumption. Enactment of bill is not in public interest. Question is important one and should be subjected to further extensive hearing.
>
> NATIONAL ASSOCIATION OF RETAIL GROCERS,
> C. H. JANSSEN, *Secretary.*

Some of the Members feel that this legislation will benefit the dairymen of this country. This I deny, and time will tell. You can force legislation from time to time, and may, nevertheless, have the people with you for a while, but you can not continue such a policy of special legislation forever.

For years you have persistently maintained that a high protective tariff will protect American industries. To-day, in demanding this legislation, you concede that the present high tariff on butter is not helpful in maintaining its price, or the price of any other commodity, and must, therefore, acknowledge that the laws of supply and demand control. And I will patiently wait to see whether you will be big enough to concede this elementary principle.

The SPEAKER. The time of the gentleman from Illinois [Mr. SABATH] has expired.

Mr. PURNELL. Mr. Speaker, I yield 15 minutes to the gentleman from New Jersey [Mr. FORT].

Mr. FORT. Mr. Speaker, this is another one of those bills which is brought in because of its supposed benefit to a particular situation, which seeks to reach its result through the application of entirely improper legislative principles.

I think I may say truthfully that during my service in this House I have supported, including the tariff legislation, every legitimate demand of agriculture. But I can not support this legislation and have not found myself in the five years during which I was a member of the Committee on Agriculture able to support it or any legislation like it.

The past legislative history of this oleomargarine bill is this: Some thirty-odd years ago, when the differential in price between butter and its substitute, oleomargarine, was less than 10 cents per pound, the Congress of the United States, as a means in part of preventing fraudulent substitution of oleomargarine for butter, and in part for the purpose of suppressing competition between the two products, determined that it would put a tax of 10 cents a pound on yellow oleomargarine.

At that time the tax of 10 cents a pound was prohibitive and, therefore, effectually prevented fraud. Nevertheless, in all of the history of the legislation, until this bill, the interest of the great packing houses of America has been protected by permitting the one type of yellow oleomargarine which they make to escape the tax. That was true in the bill which passed this House in the last session, which I also opposed. In the effort, however, to protect the packers, the past legislation has left the door open for yellow oleomargarine made with natural yellow ingredients, the thought being that only a certain type of animal fat could meet that requirement. There has now been discovered a yellow vegetable oil, which is not being added for its coloring value only but being added as the proper ingredient in the product to produce yellow oleomargarine, and hence we have legislation for the first time in the history of all of this legislation imposing a 10-cent tax on any oleomargarine yellow in color.

The proponents of this bill ask for the legislation for two reasons, and I refer to the report of the committee for my

authority. They say, first, that they want this tax to prevent an alleged fraud upon the public, the fraud consisting in the utilization of yellow oleomargarine in place of butter and its representation to the public as butter. Gentlemen, if that is the purpose of the legislation, it is an iniquitous thing for Congress to consider the use of the taxing power of the American Government to license the creation of a fraud. If this bill passes, the fraud can be perpetrated by anybody who wants to pay 10 cents for that purpose. If fraud is what you are aiming at, this is not the way to hit it. It seems to me it is an utter negation of all sound legislative principles for the Congress of the United States to say to the manufacturer of any product, "You can deceive the people of the United States if you will pay us 10 cents a pound for the privilege."

In the days when the 10-cent tax was prohibitive it was a different thing, but the report of this committee shows that you can make a pound of vegetable-oil oleomargarine at a cost of 6.8 cents and a pound of animal-fat oleomargarine at a cost of 9 cents per pound. Add your 10-cent tax to that and you have less than 20 cents a pound for the highest-priced oleomargarine.

It is only a year or less when butter was selling for 60 cents a pound, and to-day it is over 30 cents a pound, and here these gentlemen, in the name of agriculture, are asking the Congress of the United States to license a fraud at a payment of 10 cents per pound for the benefit of the Treasury of the United States.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. FORT. Yes.

Mr. CLARKE of New York. I know the gentleman wants to be accurate in his statement. Is it not true that butter is selling to-day for 28 cents a pound instead of over 30 cents a pound?

Mr. FORT. Not at retail.

Mr. CLARKE of New York. It is in New York State.

Mr. FORT. I had not noticed it here.

Mr. ANDRESEN. Will the gentleman yield?

Mr. FORT. For a question, yes.

Mr. ANDRESEN. Does the gentleman contend that there is any more food value in colored oleomargarine with the tax than in the plain white oleomargarine?

Mr. FORT. I do not contend any such thing, but I say, if it is a fraud, prohibit it, and I will vote for a bill prohibiting it, and I have offered to gentlemen on the Committee on Agriculture my vote for a bill which will prohibit it. If the yellow oleomargarine is manufactured for the purpose of defrauding the American people, its manufacture should not be permitted for the purpose of revenue. [Applause.]

If it is not a fraud on the American people, we come to the next reason assigned for the passage of this legislation. This reason is that the dairy industry can not stand the competition of yellow oleomargarine without this tax on consumption. For 150 years, it has been the boast of this Nation that, within its boundaries, it constituted the greatest free-trade commonwealth in the world, yet by the legislation we are asked to enact to-day, we are deliberately imposing the protective-tariff principle against one industry of domestic manufacture in favor of another industry of domestic manufacture. For the first time in the history of this Nation, so far as I know, that issue squarely confronts the American Congress. The report of the committee concedes it. The purpose in asking for this legislation is the low price of butter. The purpose for this legislation, as stated in the report, is that the great production of American butter in contrast with the small production of oleomargarine entitles the dairy industry to this protective preference. My friends, we have gotten along pretty well in this Nation without taxing one industry within our borders for the benefit of another industry within our borders.

Mr. PURNELL. Will the gentleman yield?

Mr. FORT. Yes.

Mr. PURNELL. In stating the reason for this legislation the gentleman should not overlook this very important reason, namely, the recent ruling of the commissioner which permits the use of oil procured from abroad which pays no tax.

Mr. FORT. All right, but reach that through the tariff; reach it properly on your foreign products, but here you have a domestic industry, whether it is big or whether it is small. If it is not fraudulent and if it is honest the powers of the Government of the United States ought not to be used to tax it in competition with another industry that is also American.

Mr. KETCHAM. Will the gentleman yield?

Mr. FORT. Yes.

Mr. KETCHAM. In making the statement a moment ago that we are undertaking this propostion for the first time, has not the gentleman overlooked the fact we are attempting nothing more than what has been upon the statute books for the last 30 years?

Mr. STRONG of Kansas. Thirty-eight years.

Mr. FORT. If the gentleman proceeds on the theory that the tax is to stop fraud, he is back to the basis of the original act. If he proceeds on the facts which are that when we adopted that policy there was less than 10 cents differential in price, and the tax was, therefore, a prohibition, whereas to-day there is more than 10 cents difference in price and the tax is, therefore, a tax on consumption, then we are on new ground.

Mr. LINTHICUM. Will the gentleman yield?

Mr. FORT. For a brief question only.

Mr. LINTHICUM. If the contention which the gentleman has just made that this is to prevent fraud is true, why should they not also have a tax of 10 cents on butter when it is colored in the spring of the year when butter has not a natural yellow color?

Mr. FORT. I do not want to enter into a discussion of that point.

There is a broader question here than the mere question of these two competing products. There is a question, gentlemen of this House, as to whether we are going to enter into consumption-tax policies and pick out one product to levy taxes upon. This is new, it is concrete, and it is something which this House must face because, gentlemen of the House, no member of the committee will contend that when butter recovers to a 60-cent level, which it will do when its production comes down and business improves sufficiently to increase the consumption, and oleo still costs 9 cents a pound—no gentleman will contend that under those conditions this tax will be of any benefit whatever to the butter industry except in so far as by increasing the price to the consumer it gives him a little less favorable bargain in the buying of oleo in contrast to the price of butter.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. FORT. Yes.

Mr. STRONG of Kansas. It may only cost 8 or 9 cents a pound, out they do not sell it for that.

Mr. FORT. All right, but you are trying to make them sell it for what they sell butter for, and that is the protective-tariff principle and nothing else.

Mr. STRONG of Kansas. I want them to sell it for what it is.

Mr. FORT. I can not yield further.

One other point, gentlemen. The reason this is particularly important now is that we are just in the beginnings in this Nation of synthetic chemistry as applied to industry. It is a matter of very few years before synthetic gasoline, let us say, will be on the market. Are we then going to protect the oil producer against the inventive genius which applies itself to the production of substitutes for his product? Are we going to establish here to-day with our eyes open the precedent of taxing domestic industry because it is new in order to protect an older form of industry?

I will vote, as I said before, for a straight prohibition of the manufacture of yellow oleomargarine, if it be a fraud, if it be a deleterious product. I will not vote to tax it or any other American product for the protection of some other American product. [Applause.]

Either, gentlemen, we are voting to-day to stop fraud, in which case I resent the suggestion that we should try to make a profit for the Treasury of the United States out of the perpetration of fraud, or we are extending the protective-tariff principle to apply between competing domestic

industries. In either case this legislation should not receive the approval of this House.

This rule should be voted down because the policy involved in this legislation is not the type of policy upon which this Nation should embark. [Applause.]

The SPEAKER pro tempore (Mr. RAMSEYER). The time of the gentleman from New Jersey has expired.

Mr. POU. Mr. Speaker, I yield 20 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, I do not know that I shall use all of the time that has been allowed me by the ranking Member on the Democratic side in presenting my views upon this question. I want to say in the beginning that I realize very fully that in all probability the pending bill will receive the vote of a majority of the Members of the House. I realize that the forces that have been used in crystallizing sentiment in this House have been almost overwhelming.

I believe that the dairy interests as represented by their spokesmen who have appeared before the committees and who have approached Members of Congress on this problem are probably as strongly organized as any minority group in this country, and I do not make this statement in disparagement of their activities. I realize they are seeking to protect their own personal interests. I think it is entirely legitimate for them to bring such legitimate pressure as they may see proper to bear upon the judgment of the Members of Congress, and I regret that I find myself in disagreement upon this question with a great number of Representatives upon my side of the aisle. But I have endeavored, gentlemen, to give to the consideration of this problem fair and candid judgment, and after undertaking to give it that character of consideration, however pressing may be the immediate necessities for some improvement in the dairy industry, I have been absolutely unable to bring myself to the view of supporting this character of Federal legislation.

In order that the issue may be fairly presented to the members of the committee, let us see what is really sought to be effectuated by this legislation. There is no occasion for us to have any disagreement upon the facts involved in this controversy. After the facts are fairly presented every gentleman has the right to draw his own conclusions as to the propriety and justice of this legislation.

What are the undisputed facts with reference to the issue involved? Here is a product of the dairy industry that, of course, under ordinary circumstances would take its chances with all legitimate competition. But in all of the products of agriculture or otherwise produced in this country this is the only one so far as I know that has been singled out for the express purpose of undertaking by specific legislation to give to it by law under the taxing power, opportunities for competition that no other product of industry in the country has ever asked at the hands of the country.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. BANKHEAD. I yield.

Mr. CLARKE of New York. Is not the same thing true regarding the manufacture and sale of alcohol?

Mr. BANKHEAD. That was a matter that affected the morals and health of the people—an entirely different basis from this. There is no argument made here that oleomargarine is a substance deleterious to health; no assertion can be sustained that it is dangerous in any respect. It is candidly admitted that it does not contain the number of vitamines that pure butter does. There is no occasion for us to disagree about the facts in the case, and the naked issue presented by the bill is, whether or not you are going to permanently embark on a principle of levying a consumption tax on an article of domestic production in order to put out of business an article of production in our own borders.

That is a basic principle to which I can not agree. If this were a bill to prevent the fraudulent manufacture and sale of this product, I would go as far as any man on the floor to prevent fraud in purchasing it. I have voted for every measure to prevent fraud on the public, and you have on the statute books to-day regulations requiring that every carton exposed for sale in every store of the country of oleomargarine must have marked on two sides of every carton in letters one-quarter of an inch high at least the fact that it is oleomargarine.

So when our friends come in and say that this bill is one to prevent fraudulent marking of this commodity or to prevent the fraudulent sale I point to the remedial and protective legislation already on the statute books with reference to that.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. LINTHICUM. I want to say that a restaurant keeper must have a sign up in his restaurant stating the fact that he furnishes oleomargarine.

Mr. BANKHEAD. That is true.

Now, gentlemen, this is in a large measure class legislation.

There is no man on the floor of this House more interested than I in assisting the dairy industry. It is an industry that is being rapidly promoted in my own section of the country. We people of the South feel that we have some natural and climatic advantages over other sections of the country that in years to come will make the South the great dairy section of the country. But that is not the only consideration Congress ought to bring to bear on a question of this sort. Are we who represent the dairy section of this industry to come here and say that we are going to vote for a tax on a legitimate competition in order to give a monopoly in this field to the dairy industry? Is that a sound principle of government?

There is something else involved in this question. This is an unfortunate and untimely date on which to bring legislation of this sort before the Congress of the United States. Why do I say that? Let me read to you very briefly a statement issued by the American Federation of Labor upon this question. That is an organization that in large measure represents the women in ginghams and the men in overalls, the hewers of wood and the drawers of water in our domestic life. Do you know that to-day, according to this statement, there are almost a score of millions of people out of employment in this country who must live, and here you are bringing in a bill to put an additional tax of 10 cents a pound on an article of commerce that millions of American people to-day who are unable to buy pure butter will have to buy. You are proposing to add to the price of that article 10 cents a pound under this species of special legislation. We ought to consider all phases of this question before we vote on this legislation. Here is what they say:

> The American Federation of Labor is opposed to any further tax being placed upon oleomargarine because of the use of palm oil. We wish it were possible to feed every man, woman, and child in the Nation pure butter, but unfortunately and obviously this can not be done because of the almost perpetual poverty of millions of our people. It has been estimated that there are in the neighborhood of 20,000,000 of people who are living in poverty. These poor people are often victims of malnutrition. They are unable to buy the kind of food that would enable them to render good health. These people being unable to purchase butter have to resort to a substitute, so they buy oleomargarine. In order to make this product a little more appetizing the use of palm oil has been resorted to by manufacturers. Palm oil is a pure product and its coloring is natural.
>
> We are opposed to any further tax being pressed upon this product because, as you know, to do so you are taxing the breakfast, dinner, and supper tables of millions of unfortunate people who are already unable to live as Americans should live and as we want them to live. We trust that this committee will not vote for this bill or any other bill of a like nature that would add to the burdens of our poor.

I think that is a fair statement, although it comes from an organization opposed to this legislation.

Will the passage of this bill restore immediately or at an early date the prosperity of the dairy industry in this country? Is the dairy industry the only agricultural interest that has been depressed by competition? It has been pointed out to you that wheat and corn and cotton and eggs and every other product of the farm for the last year or so has been constantly descending in price, so that butter, this particular child of favoritism in this legislation, does not stand alone in depression. As has been pointed out by the Gov-

ernment official Bureau of Home Economics, the price of butter has descended like all other agricultural products, and they point out the reason for it. One reason is overproduction and another is the diminution of the purchasing power on the part of the masses of our people. I think the argument that will be made here, that if you pass this legislation it will almost instantly restore prosperity to the dairy industry, is not based on sound ground.

There is something else also that is involved in this question. Oleomargarine a few years ago was made very largely out of vegetable oils produced in our own country. The cottonseed-oil industry in the South, the peanut-oil industry were greatly interested in this proposition, but under modern chemical processes it has been discovered that they can make out of coconut oil imported from the Philippine Islands, and are now making, 85 per cent of ingredients of this modern oleomargarine. That, I say to the dairymen of this country, is where your real trouble is coming from. Why do not you gentlemen on the Republican side, who are so in favor of this bill, meet the issue squarely and say that you will give independence to the Philippine Islands so that you can levy a protection against the importation of this article coming into competition with our own vegetable oils in this country? That is the way that you could regulate it. You could regulate it under your own theory of protection of agriculture by an embargo against coconut oil, or by a high protective duty against it. That would also help our agricultural product of soybean oil and peanut oil and cottonseed oil.

This is an unsound principle of legislation because it is admittedly a tax on the production and consumption of a domestic article that can not be criticized as far as its purity is concerned. What would you think if some man were to arise here and propose that because the price of wheat is low, and a good many people in this country prefer rye bread to wheat bread, that you would put a tax on rye and rye bread in order to put it out of competition with the wheat flour and the wheat bread? Yet in principle that would be exactly analogous to illustrate the theory of this legislation. What would the sugar-beet producers of the West say if we southern fellows offered a proposal to levy a tax on sugar beets because they were coming into competition with cane sugar in the Southern States? Yet that is an exact parallel to the principle of legislation proposed here in this bill.

I think I have said about all that I want to say because my main objection to this proposition is based on the legislative principle I have just suggested. I think it is a dangerous precedent to embark upon, and if it is followed out to its legitimate conclusion on other questions that may arise in our own country, it will bring on the Congress of the United States a vast amount of confusion and disagreeable situations because you can not get away from these organized proponents of legislation in Congress. They are going to be constantly coming out and presenting the same character of argument presented here. They are going to come and say, "My industry needs some protection, and in order to give it, if I have the votes to do it, I shall put my competitor out of business by levying a tax on his article."

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. HUDDLESTON. A great deal of so-called lard is made from cottonseed oil. Probably a third of that which is put on the market to take the place of lard is produced from cottonseed oil. If we vote for a tax on this product, how can we refuse to vote for a tax on anything that competes with lard that is not the pure product from the hog?

Mr. BANKHEAD. Of course, we could not consistently refuse to vote for it.

Mr. HUDDLESTON. It would be just as legitimate to vote for a tax on cottolene or any composition of so-called lard as on this.

Mr. BANKHEAD. Absolutely. Let me show how selfishly these things come about. I hold in my hand resolutions adopted by the American National Livestock Association.

Permit me to read one of their resolutions, just to show how things like this come about to protect the selfish, personal interests. They resolve—

> That we join forces with the dairy interests for protection against the common enemy in the shape of imported vegetable oils and fats, and that we urge Congress to impose a substantial tax on all such imported substances which may be used for manufacturing oleomargarine; and be it further
>
> *Resolved*, That, on the other hand, we urge Congress to remove the present tax on all oleomargarine, yellow or otherwise, made from domestic animal fats.

Mr. STRONG of Kansas. From what is the gentleman reading?

Mr. BANKHEAD. From resolutions adopted on January 28, 1931, by the American National Livestock Association. I would be glad to furnish the gentleman with a copy of it.

So they say we can produce natural substitutes with which the oleomargarine manufacturers can color oleomargarine, and therefore we do not want any restriction attached to that, because it is our product and we packers and animal producers want to sell it to the oleomargarine people. We want a monopoly on that field, and we recommend to Congress that they put a tax on all other coloring matter used in making oleomargarine, except the character of coloring that we ourselves produce.

Gentlemen, you will find all along the line, if you allow this precedent to be established, that you will be constantly confronted with claims of this sort. I hope this committee, when it votes on this proposition, after mature consideration, which so fundamentally affects any legislation of this character, will defeat this resolution. [Applause.]

I yield back the balance of my time, Mr. Speaker.

The SPEAKER. The gentleman yields back one minute.

Mr. PURNELL. Mr. Speaker, I yield four minutes to the gentleman from Wisconsin [Mr. NELSON].

Mr. NELSON of Wisconsin. I am in favor of this rule because I am in favor of the bill which the rule makes in order. [Applause.]

This bill carries remedial legislation necessary to meet a grievous wound, possibly a death wound to the dairy interests in this country. This legislation is vital to the economic well-being of my district and of my State, and therefore I want to take occasion to thank the Committee on Agriculture for having so wisely and promptly acted in this emergency, and to thank the Rules Committee for making it in order at this time.

This battle has been going on for 45 years. These arguments about taxing the oleomargarine industry to death, and all that, have been heard over and over again. We are not taxing them to death. They can sell oleomargarine until hell freezes over if they sell it as oleomargarine [applause] at one-fourth per cent tax. We do not interfere with them at all, but we say, "You shall not by fraud and stealth usurp the trade-mark of butter, its yellow hue." That is the trouble.

Mr. Speaker, what is the cause of the disturbing disruption and imminent destruction of the dairy industry of our country? The specific answer is, the recent rulings of the Commissioner of Internal Revenue. The first made in April and the second in November of last year permitted the use of soybean oil and palm oil, respectively, in the manufacture of oleomargarine without the payment of the 10-cent tax on the colored products.

The inevitable effect of these rulings is to nullify the intent of all legislation heretofore passed by Congress with reference to the 10-cent tax on butter substitutes and open wide the door for their future manufacture in unlimited quantities.

The bill before us, introduced by Mr. BRIGHAM and unanimously reported to the House from the Committee on Agriculture will effectually prevent this nullification in a simple and practical way. It provides that all oleomargarine which has a tint or shade containing more than 1.6° of yellow measured in the terms of the Lovibond tintometer will pay the 10-cent tax per pound. [Applause.]

A brief summary of the history of the efforts of the dairy industry to protect itself from this danger threatening its

very life will bring out the facts and the principles now involved in its present struggle.

The trouble began with the birth of oleomargarine in France in 1869 during the Napoleonic wars. Because of the temporary lack of butter, due to causes incident to war, Napoleon offered a reward for a substitute, and the invention of "margarine" resulted. The new product was introduced into this country in 1873 and within 13 years, through fraud in its sale, it became a menace, and the dairy interests clamored for protection for its life at the doors of Congress. Congress responded by the passage of the act of August 2, 1886, which act was intended to be prohibitory; a tax of 2 cents per pound on an article defined by the act to be oleomargarine was imposed. Recognizing these insidious conditions, President Grover Cleveland in signing the bill, stated in part:

> Not the least important incident related to this legislation is the defense offered to the consumer against the fraudulent substitution and sale of an imitation for a genuine article of food of very general household use * * * notwithstanding the claim that its manufacture supplies a cheap substitute for butter. I venture to say that hardly a pound ever entered a poor man's house under its real name and in its true character.

At the time of the consideration of this bill in the House of Representatives, Hon. William W. Grout said:

> If oleomargarine be the poor man's blessing, as is claimed, it should be secured to him at the poor man's price. But this will never be till compelled, as proposed by this bill, to go upon the market in no guise but its own and under no name but its own.

Subsequently, 16 years later, due to similar conditions of fraud in the selling of yellow oleomargarine as and for butter throughout the United States, the dairy interests again demanded action, and Congress again responded and in 1902 enacted the Grout law putting a 10-cent tax per pound on all oleomargarine not "free from artificial coloration that causes it to look like butter of any shade of yellow."

After the passage of this act the bulk of the oleomargarine manufactured and sold in this country was in its natural color, nearly white, and it was thought that the problem of differentiating between butter and oleomargarine had been finally settled. However, repeatedly, the oleomargarine manufacturers have endeavored in every way to get through and under the bars to put on the market a yellow product free from the 10-cent tax per pound. Many of the biggest battles fought with the oleomargarine manufacturers did not occur on the floor of the House, but in the Agriculture Committee. Bill after bill was introduced in the interests of the oleomargarine people and threshed out in committee, notable among which was the Burleson bill, sponsored by the cottonseed-oil interests and backed by the packers, defeated in 1910.

In recent years in order to get around the law scientific research in processes and ingredients have been resorted to and carried on extensively. During the last session of Congress it was necessary to bring under the 10-cent tax regulation such yellow-colored products known as Nuine, New Nut, and so forth, products no better than cooking compounds, which, to evade the law, were emulsified in water instead of milk, and which were being manufactured and sold in imitation of butter.

Now, under the recent rulings the oleomargarine manufacturers are preparing to flood the market with their products containing substantial quantities of soybean and palm oil, especially palm oil. Unless the Grout law is enlarged to cover these products, the result will be that a product naturally colored like butter will be sold at the ¼-cent tax per pound in competition with the sale of butter to the detriment of the dairy interests of this country.

It has been the purpose of the 10-cent tax to discourage this fraudulent imitation and to cause oleomargarine to be sold in its proper guise. Our Government has followed this policy for close to 30 years, and the Brigham bill is intended to meet these new conditions which have developed. Ninety-four and one-half per cent of all margarine on the market to-day is white and not sold under the butter color. If palm-oil colored oleomargarine be permitted to be manufactured and sold under the ¼-cent tax per pound, the white oleomargarine will eventually disappear from the market.

All the principal countries of the world have laws regulating margarine. Canada prohibits it entirely, some prevent coloration in imitation of butter, some prescribe differences in packages, and others provide that butter and oleomargarine can not be sold in the same store. In the latter group we find France, where margarine was originated.

Every State in the Union has passed laws relative to oleomargarine. Many of our States have stringent laws, notable among which are Pennsylvania, Massachusetts, and my own State, Wisconsin, the leading dairy State in the Union.

Wisconsin was the first State to attempt to regulate the manufacture and sale of oleomargarine, and in 1881, even before the passage of the first Federal law, sought to protect its dairy interests by the passage of a labeling law. This law was found to be inadequate to prevent fraud, and since 1895 the law in effect has been to prohibit the manufacture or sale of oleomargarine "which shall be in imitation of yellow butter." The present law reads:

> * * * Made in imitation or semblance of pure butter, * * * with or without coloring matter * * *.

Let me quote from the various reports of the Wisconsin dairy and food commissioners to show its grapple with fraud:

> During all the years of its existence the dairy and food department has had considerable work, difficulty, and controversy relating to oleomargarine. In fact, to keep the sale of oleomargarine free from fraud has been one of its chief tasks.
>
> In all the years that have intervened the struggle has been to compel it to look like itself and not like butter and to be sold for what it actually is.
>
> We should strip oleomargarine of its power, and that can only be done by obliging manufacturers to make it look like itself and not like butter. Butter has worked all these years to make for itself a market and a demand. Now that they are established, it should not be robbed by an imitation. The attack has but just begun. No corner of the State is too remote for its presence, no table so humble, no dining room so grand, no lumber camp so rough, that oleomargarine, with its mellow name, will not walk upon and into, with a deceitful bow and brazen smile, with the claim that its name is butter.

Pertinent to the bill before us are these words:

> * * * It is clear that oleomargarine can be made as yellow as many shades of yellow butter by carefully selecting yellow oleo oils and cottonseed oils; that oleomargarine can also be made that is free from coloration or ingredient that causes it to look like yellow butter, and that the contention that the natural color of oleomargarine is the color of yellow butter is as false as the oleomargarine made in imitation of yellow butter is fraudulent. * * * Color that is produced by crafty selection and manipulation of materials is not natural color.
>
> If the article is in imitation of yellow butter, it matters not whether such imitation is brought about by the addition of a dye or by the selection of ingredients.
>
> If one forming a compound of several ingredients knowingly select and use an ingredient which imparts to the compound the color of yellow butter, he having a choice of ingredients, he will have made his compound in imitation of yellow butter just as well as if he selected a dye.
>
> Under the Wisconsin law as enforced, the laboring man or any other man who wants oleomargarine can now get it, and at oleomargarine prices. And if he wants butter, he is practically sure to get butter and not oleomargarine at butter prices. This is the end sought by legislation on this subject.

The bane of oleomargarine as a competitor of butter is strikingly brought out by this quotation from a brief of the attorney general of Wisconsin:

> The history of oleomargarine advertising has shown that the industry from its inception has clung like a parasite to the dairy industry and the reputation established by butter. It has sought to market its product as a milk product.

Dairy interests have no quarrel with the oleomargarine interest when their products are sold in their own guise and for what they really are. The controversy between these two interests ever since the introduction of oleomargarine has been that oleomargarine insists on looking like butter for the purpose of attracting the public to its purchase.

This fraudulent intent has been recognized by the United States Supreme Court in Plumley *v.* Massachusetts (155 U. S. 461):

> The statutes seek to suppress false pretenses and to promote fair dealing in the sale of an article of food. It compels the sale of oleomargarine for what it really is, by preventing its sale for what it is not.
>
> Now, the real object of coloring oleomargarine so as to make it look like genuine butter is that it may appear to be what it is

not and thus induce unwary purchasers who do not closely scrutinize the label upon the package in which it is contained to buy it as and for butter produced from unadulterated milk or cream from such milk.

Should we not exercise our right to safeguard an industry which is fundamental and vital and should we not protect from fraud the public which can be misled by the substitute of an inferior product for the real article?

Let us look at the relative cost of producing butter and oleomargarine. Using the two standard formulas which are in general use in the manufacture of oleomargarine it has been shown that the cost of materials for 1 pound is 6.8 cents for vegetable-oil oleomargarine and 9 cents for animal-fat oleomargarine.

Prof. O. E. Reed, Chief of the Bureau of Dairy Industry, furnished a year ago some statistics as to the cost of production of cream which show that the raw material used in the manufacture of butter averages 39 cents per pound. The cost of producing butter has been slightly decreased recently but not materially.

Is it fair to allow the unrestrained trade in direct competition with butter of an article made in semblance of butter, the cost of the material of which is approximately one-fourth of the material cost of butter?

Is it fair to allow in direct competition with butter, a domestic product, the unrestrained trade of an article made principally of vegetable oils, imported free from tax from other countries and hence a foreign product?

Our national prosperity is dependent upon the prosperity of our millions of farmers directly interested in the production of butter. Colored oleomargarine and butter can not live together—one or the other must give way. Either the sale of colored oleomargarine sold as butter must be restricted or the farmers interested in the manufacture of butter must abandon their industry.

The hearings brought out the fact that in this country there are 35 oleomargarine plants, engaged exclusively in the manufacture of oleomargarine, with an employment of 1,369 wage earners, whose interests when connected with the manufacture of "yellow" oleomargarine are pitted against the interests of 3,409 creamery plants with an employment of 17,805 wage earners, plus those of the farmers, who either furnish the raw material for these creameries or produce butter for sale on their own farm.

The dairy industry represents 21 per cent of the total agricultural income of the Nation; this industry uses products from practically every branch of agriculture. Can we afford to let an industry employing 1,369 wage earners get the upper hand and close out our basic agricultural industry in which one-third of our population is interested and in which one-fifth of our national wealth is invested?

The evidence submitted at the hearings proved conclusively that oleomargarine is deficient in vitamins recognized to be important constituents of the human diet, such as vitamin A, which promotes growth and increases resistance to disease, and vitamin D, which develops sound bones and teeth.

Experiments have shown that crude palm oil contains one-third of the vitamin content of butter. The percentage of palm oil necessary in the new product to produce a color just like butter is about 12 per cent; using this percentage, the finished product will test 7.75 by the Lovibond tintometer. It has been estimated that in order to obtain the vitamin content of butter one would have to eat from 25 to 30 pounds of this palm-oil, oleomargarine product. The food value of butter is too well known to need comment. It has been said, and apparently not disputed, that there is no substitute for butterfat for growing children and invalids.

Doctor McCollum testified at the hearings as follows:

I think it would be a step in the wrong direction from the standpoint of the maintenance of the Nation's health that any invasion of so precious a product as butter or any other dairy product should be so marked that there is [no] prospect that a purchaser may be deceived as to what he is purchasing and that no economic condition should be permitted to prevail which would enable an inferior food product to displace on the American table a superior food product such a butter.

Can we afford to permit an impostor to masquerade in the guise of real butter to the detriment of our national health?

Mr. Speaker, I desire to call your attention to the fact that this Congress was called into session for the sole purpose of farm relief. President Hoover in issuing the proclamation said:

Whereas legislation to effect further agricultural relief • • • can not in justice to our farmers be postponed.

Farmer and dairy organizations are aroused and feel that an emergency now exists. They demand the immediate passage of the Brigham bill. The Agricultural Committee of the House has favorably reported this bill; the Agricultural Committee of the Senate has favorably reported the Townsend bill, which is identical; and our Rules Committee has brought in its rule making in order the Brigham bill.

Therefore, Mr. Speaker, we must not adjourn and leave our present law stripped of its protective power. It must be restored and strengthened at once. If an adjournment of nine months takes place without the law being corrected, a great damage will be done, not only to our farmers and dairy interests, due to unfair competition, but to the oleomargarine manufacturers as well. As the situation now stands, the oleomargarine interests have been invited to prepare themselves by equipment and advertisements to put their new "yellow" product on the market in enormous quantities. Then, when Congress meets next December, the law will undoubtedly be changed and they will find that this great expenditure for preparation and production has been wasted.

I therefore appeal to the House to protect its own law now and restore to the farmer that which he has won and kept for nearly 30 years—the trade-mark of butter. To me our farm relief would be a sham if we allow the biggest source of income of agriculture to be ruled out of existence.

Experience has shown that only a law which will clearly distinguish between butter and oleomargarine in some way that the one can not be sold for the other and the public deceived will meet this growing evil and avert the damage which threatens the legitimate dairy industry of the Nation. Let me warn that the welfare of our country is dependent upon the prosperity of our farmers.

It was clearly the intention of Congress at the time of the passage of the Grout Act in 1902 that all yellow-colored oleomargarine be taxed 10 cents per pound.

The law in part reads:

When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow said tax shall be one-fourth of 1 cent per pound.

Hon. Redfield Proctor, chairman of the Senate Committee on Agriculture at the time of its enactment, said:

This bill proposes to increase the tax on oleomargarine colored in semblance of butter and to reduce the tax on oleomargarine not colored in imitation of butter; its purpose being to encourage the sale of the genuine article and to discourage fraudulent sale of the imitation article.

Hon. E. Stevens Henry, chairman of the House Agricultural Committee, after stating that it was not the purpose of legislation to oppose legitimate industry, added:

So far as we have knowledge, no practical method has been devised for making oleomargarine in the semblance of yellow butter without the addition of some artificial color, and it is not believed that oleomargarine can be given a considerable or even a perceptible shade of yellow by the use of any known ingredient.

It may be further said that if time and experience demonstrated that oleomargarine can be colored in the semblance of yellow butter by the use of some newly discovered and available ingredient, this defect in the law can be corrected by future legislation.

The time has now come to correct this defect in the law. The ingredients have been found which will color oleomargarine naturally, but it is the same oleomargarine, even though not artificially colored; it is still an imitation of butter. Can we, in the face of the struggles of the dairy industry, refuse to give the Brigham bill our favorable support? [Applause.]

Mr. SABATH. I yield one minute to the gentleman from New York [Mr. BOYLAN].

Mr. PURNELL. I yield one minute to the gentleman from New York [Mr. BOYLAN]. I have no more time.

Mr. BOYLAN. I decline with thanks.

Mr. PURNELL. Mr. Speaker, I desire to renew my unanimous-consent request to modify the resolution to provide for two hours general debate instead of three hours.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the resolution be modified so that general debate shall be two hours instead of three hours. Is there objection?

Mr. SABATH. Mr. Speaker, I am obliged to object. I have demands for more time than I have now.

Mr. PURNELL. The gentleman understands there will be ample time. In all probability this bill will have to go over until to-morrow. There will be ample time under the 5-minute rule.

Mr. SABATH. The gentleman from Maryland [Mr. LINTHICUM] desires some time. The gentleman from New York desires some time. Two or three other gentlemen desire time. I do not want to cut them short. If we can get along with a little less, we will do so.

Mr. PURNELL. Mr. Speaker, I move the previous question on the resolution.

Mr. LINTHICUM. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. PURNELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 41]

Aswell	Evans, Calif.	Lanham	Spearing
Beck	Finley	Larsen	Sproul, Ill.
Bell	Free	Lea	Stevenson
Bloom	Garrett	Letts	Thompson
Busby	Gifford	McCormick, Ill.	Tucker
Cable	Golder	Michaelson	Underhill
Celler	Graham	Montet	Wason
Clark, Md.	Hall, Miss.	Morehead	Watres
Collier	Hoffman	Newhall	Watson
Cross, Tex.	Hudspeth	O'Connor, La.	Whitehead
Dempsey	James, Mich.	O'Connor, N. Y.	Williams, Tex.
Douglas, Ariz.	Johnson, S. Dak.	Prall	Wolfenden
Douglass, Mass.	Jonas, N. C.	Pratt, Harcourt J.	Wurzbach
Doutrich	Kemp	Pratt, Ruth	Yates
Doyle	Kendall, Pa.	Reid, Ill.	
Drane	Kiefner	Romjue	
Esterly	Kunz	Rowbottom	

The SPEAKER. Three hundred and sixty-six Members have answered to their names, a quorum.

Mr. PURNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16836, with Mr. CRAMTON in the chair.

The Clerk read the title of the bill.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Vermont [Mr. BRIGHAM].

Mr. BRIGHAM. Mr. Chairman, this bill proposes to make one important change in the taxing provision of the oleomargarine act. The change is, briefly, this: The present law places a tax of 10 cents per pound upon oleomargarine, but provides that "when oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow, said tax shall be one-fourth of 1 cent per pound." The amendment provided for in this bill proposes to place a tax of 10 cents per pound upon all oleomargarine colored yellow to imitate butter if the color is deeper than a definitely established shade of yellow and to apply this tax whether the yellow color is produced by natural ingredients or artificial coloring materials. The color line is established in the terms of the Lovibond tintometer scale and the color is measured by an instrument called the Lovibond tintometer, which has been used in the State of Pennsylvania in the administration of its oleomargarine law for several years.

In the time allotted to me I shall endeavor to explain as briefly as possible the purpose of the amendment, the necessity for it, and the reason for it from the standpoint of sound public policy.

It should be clearly understood that we are not attempting to establish a new policy. We are simply revising the law to meet new conditions which have arisen and threaten to completely nullify the intent of the Congress of 1902, when the law now in force was passed. A brief review of oleomargarine legislation will make this clear.

In 1886 the Congress enacted our first legislation relating to oleomargarine. Seventeen years before that the French chemist, Mege-mouries, had made public his formula for emulsifying a combination of animal fats and oils so that there resulted a product which had the texture, flavor, and appearance of butter made from cow's milk. This substitute cost much less to produce, there was a great profit in its manufacture and sale, and it was being sold, just as oleomargarine manufacturers would sell it to-day, as and for butter. The fraud upon the consuming public became so flagrant that the issue became clearly defined: Regulate and control the sale of butter substitutes and maintain the dairy industry or give these substitutes a full field and let the dairy industry go.

The act of 1886 contained many of the provisions of our present law. It levied a tax of 2 cents per pound upon all oleomargarine; it levied special taxes upon manufacturers, wholesalers, and retail dealers, and it provided for branding of the packages in which oleomargarine is sold.

If you read, as I have, the debates in the House and Senate which occurred in 1886, you will find much that is similar to what you will hear to-day. There was great concern then, as there is now, about taxing the poor family that is not able to buy genuine butter. So much was said about this that President Cleveland, when he signed the bill, attached the following message:

> Not the least important incident related to this legislation is the defense accorded the consumer against the fraudulent substitution and sale of an imitation of the genuine article of food of very general use. I venture to say that hardly a pound (referring to oleomargarine) ever entered a poor man's home under its real name and in its real character.

I venture to say that if we were to repeal our oleomargarine laws to-day, we would soon have no oleomargarine sold as such. It would all be sold as butter and at butter prices. Do not be misled by the concern of the oleomargarine industry for the poor man. If that was their concern, they would make oleomargarine in its natural color, quit imitating butter, and sell it by advertising it for just what it is.

The act of 1886 still left oleomargarine manufacturers free to color their product yellow in perfect imitation of butter. Substitution and fraud still persisted. Bootlegging is not confined to intoxicating liquors. Wherever great profit occurs from substitution and fraud you will find substitution and fraud practiced.

In 1902 this House of Representatives passed an amendment to the oleomargarine act which increased the tax from 2 cents to 10 cents per pound, but provided that—

When oleomargarine is free from coloration or ingredients that causes it to look like butter of any shade of yellow the tax shall be one-fourth of 1 cent per pound.

The Senate adopted an amendment striking out the words "or ingredients" and inserted the word "artificial." The act then assessed a tax of 10 cents per pound upon oleomargarine but provided—

When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow said tax shall be one-fourth of 1 cent per pound.

Mr. Henry, of Connecticut, chairman of the House Committee on Agriculture, recommended the acceptance of this provision with this statement:

Inasmuch as it is not the purposes of this legislation to oppress a legitimate industry, this contention is conceded, and all the more willingly because, so far as we have knowledge, no practical method has been devised for making oleomargarine in the semblance of yellow butter without the addition of some artificial color, and it is not believed that oleomargarine can be given a considerable or even a very perceptible shade of yellow by the use of any known ingredient.

It may be further said that if time and experience demonstrate that oleomargarine can be colored in the semblance of yellow butter by the use of some newly discovered and available ingredient this defect in the law can be corrected by future legislation.

The Commissioner of Internal Revenue, in issuing regulations interpreting the oleomargarine act, made the following interpretation of the provisions relating to "artificial coloration."

SEC. 43. Artificial coloration: (a) Oleomargarine is not free from artificial coloration if it looks like butter of any shade of yellow, except where such yellow color results from naturally colored oils or other materials which are used in substantial quantities in relation to the other ingredients, and which serve some material function or functions in addition to imparting color to the finished product.

(b) The use of naturally colored ingredients in the manufacture of oleomargarine which have the effect of imparting to the finished product a yellow color in imitation or semblance of butter will not be regarded as causing artificial coloration if such ingredients form a bona fide component part of the manufactured article and serve substantial functions other than producing color.

The oleomargarine manufacturers set out to find some yellow-colored ingredients which could be used in substantial quantities in making yellow-colored oleomargarine and which would escape the 10-cent tax. They succeeded in making a limited quantity of yellow product by the selection of the highly colored body fats of old dairy cows of certain breeds which were sent to packing houses for slaughter. No definite information can be obtained as to the exact number of pounds of such colored goods now manufactured. It was said, however, that the great meat packers controlled the supply of this yellow oleo oil and the independent producers of oleomargarine were placed at a disadvantage in not being able to obtain it. Some of these independent manufacturers expressed themselves as favorable to a law similar to the one under consideration at hearings held within two years.

PALM-OIL RULING

A process has been discovered whereby palm oil can be refined so that its flavor is palatable and its color is a deep yellow. On November 12, 1930, the Commissioner of Internal Revenue issued the following ruling:

COLLECTORS OF INTERNAL REVENUE:

Reference is made to the use of unbleached palm oil in the manufacture of oleomargarine and to previous rulings of the bureau in connection therewith.

You are advised that the bureau, upon further consideration and investigation, now holds that the unbleached palm oil free from artificial coloration when used in substantial quantities in relation to other ingredients may be used in the manufacture of oleomargarine otherwise free from artificial coloration without subjecting the finished product to tax at the rate of 10 cents per pound.

All rules of the Bureau of Internal Revenue in so far as they may be contrary to this holding are hereby revoked. You are requested to forward immediately to each manufacturer of oleomargarine in your district a copy of this letter.

DAVID BURNET, *Commissioner.*

The evidence shows that palm oil exists in quantities sufficient to color more oleomargarine than is now manufactured. Since its use is permitted under the above-quoted ruling of the Commissioner of Internal Revenue, unlimited quantities of colored oleomargarine can be made by the use of palm oil as a natural ingredient, and the product will be subject to the one-fourth of 1 cent per pound tax. This completely nullifies the intent and purpose of the Congress in the passage of the Grout Act of 1902.

It is the purpose of the amendment we are now considering to meet the situation which exists to-day, to correct, as Chairman Henry said in 1902, a defect in the law placed there by the Senate which has made it possible for the research laboratories of the oleomargarine manufacturers to find a yellow-colored natural ingredient which can be used to produce a perfect imitation butter yellow in color and take only the one-fourth of 1 cent tax.

The amendment proposed in this bill, as I have said, draws a color line. If oleomargarine is colored a deeper shade of yellow than the line prescribed, it is subject to the 10 cents per pound tax; if it is of a lighter shade, it is subject to the one-fourth of 1 cent a pound tax. The instrument used to measure the color is the Lovibond tintometer, which has been used for many years in the administration of the oleomargarine law of Pennsylvania, which State prohibits the sale of oleomargarine colored a deeper shade of yellow than that to which we apply the 10-cent tax in this bill. The shade is far from pure white, but it will not permit the sale of oleomargarine colored to imitate butter without paying the 10-cent tax.

EMERGENCY CONFRONTING THE DAIRY INDUSTRY

The evidence shows that the oleomargarine trade is preparing an extensive advertising campaign to sell yellow colored oleomargarine in greatly increased quantities. Some idea of the competition which confronts the dairy industry may be gathered from the relative cost of producing the two commodities, oleomargarine and butter. Two standard formulas for the manufacture of oleomargarine which are in general use have been secured. These, of course, are varied by different manufacturers, but they are sufficiently standard to give an indication of the competition to which the dairy industry is subjected.

Oleomargarine formula containing animal fats

450 pounds oleo oil, at $8.87½	$39.94
350 pounds neutral lard, at $11.75	41.13
100 pounds cottonseed oil, at $7.10	7.10
100 pounds palm oil, at $8.50	8.50
300 pounds milk, at $2	6.00
35 pounds salt, at $1	.35
	103.02

When churned this will produce about 1,150 pounds of finished product. 103.02÷1,150=9 cents per pound cost of materials for 1 pound of oleomargarine.

Oleomargarine formula containing vegetable oils

800 pounds coconut oil, at $6.50	$52.00
100 pounds peanut oil, at $12	12.00
100 pounds palm oil, at $8.50	8.50
300 pounds milk, at $2	6.00
35 pounds salt, at $1	.35
	78.85

When churned this will produce about 1,150 pounds of finished product. 78.85÷1,150=6.8 cents per pound cost of raw materials for 1 pound of vegetable oil oleomargarine.

The prices used above are for the most part obtained from the Oil, Paint, and Drug Reporter of January 3, 1931. The new product known as refined palm oil is not quoted in that paper, but prices were obtained from a source which is considered authentic. You will see, therefore, that the raw materials used in making a pound of animal fat oleomargarine cost 9 cents per pound, while the materials used in making a pound of vegetable oil oleomargarine cost 6.8 cents.

Let us consider the cost of producing dairy butter. Prof. O. E. Reed, chief of the Bureau of Dairy Industry, furnished a year ago some figures as to the cost of producing butter, which were obtained as the result of investigations in several thousand herds throughout the country. The cost varied with the production, but in the group of herds producing 200 pounds of butterfat annually, which is better than the

average for the whole country, the cost of producing the cream at the farm, the raw material before manufacture, which is on the same basis used for the substitute, averaged 39 cents per pound of butter. Costs of producing butter may have decreased slightly in the meantime but not materially. The unrestrained sale of oleomargarine, costing as it does less than one-fourth the cost of dairy butter, will drive dairy farmers out of business.

PURPOSE OF THE TAX TO PREVENT FRAUD

It is the contention of the dairy industry that yellow is the natural color of butter and that oleomargarine manufacturers desire to color their product yellow for the purpose of imitating butter so that it will be used in larger quantities in the place of butter, and its market be, therefore, largely increased. It is the purpose of the 10-cent tax to discourage this fraudulent imitation and to cause oleomargarine to be sold in its proper guise. This has been the policy of our Government for nearly 30 years, and this bill simply meets new conditions which have developed.

DOES PUBLIC POLICY DEMAND PROTECTION OF THE DAIRY INDUSTRY?

The principal countries of the world have passed stringent laws to protect butter from its counterfeit oleomargarine. Some of these laws prevent coloration in imitation of butter, some prescribe difference in packages, and some even go so far as to provide that butter and oleomargarine shall not be sold in the same store. The Dominion of Canada absolutely prohibits the manufacture and sale of oleomargarine. The reason for this almost universal public policy is that butter made from cows' milk contains certain substances called vitamins which make it superior in the human diet to oleomargarine. On this point both Dr. E. V. McCollum, of Johns Hopkins University, and Dr. Walter H. Eddy, of Columbia University, were in complete agreement. Doctor McCollum stated to the committee that butter was rich in vitamin A and had considerable quantities of three other vitamins. A telegram from Doctor McCollum inserted in the record shows that crude palm oil contains only one-third as much of vitamin A as is found in butter, and he said, in his opinion, the method of refining palm oil would destroy its vitamin A content. Doctor Eddy, when questioned on this point, admitted that a pound of butter would have twenty-five times as much vitamin A as would a pound of oleomargarine made with palm oil as an ingredient. The evidence proves conclusively that oleomargarine is deficient in vitamin content and is not to be compared with butter as a source of supply of these elements so essential to normal growth and well-being.

Dr. E. V. McCollum, of Johns Hopkins University, leading scientific authority on this subject, testifying before our committee, said:

Now, it took a good many years to clear up the place in physiological processes of this substance vitamin A. We know now that when there is a deficiency of that substance in the diet a particular type of cell, known as the epithelial cells, is injured, and those epithelial cells cover all the mucous surfaces in the mouth, stomach, and intestinal tract; and this type of cell, specialized for peculiar functions, constitute the secretory cells in the shape of glands—salivary glands and digestive glands generally—and that these cells do not retain their physiological function unless they are provided with a satisfactory amount of vitamin A.

* * * * * * *

In the 23 years I have been working in this field and talking about the subject of my researches and those of others, I have tried to keep in mind the quality of the human diet and to make such recommendations as would make for safety.

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Mr. PURNELL. Doctor, I think this committee would like to know your estimate of the relative nutritive value of butter and oleomargarine, for instance, whether colored artificially or with some natural product.

Doctor MCCOLLUM. Margarines have been made out of many different materials, mainly out of animal body fats and of vegetable fats, in the case of certain margarines; in the case of certain others very largely, if not exclusively, of vegetable fats. It happens that there are no vegetable fats which provide vitamin A in any considerable amount. There are a few that contain traces of it, but very little. Animal fats vary in respect to this peculiar quality of vitamin A content, which I shall stress—vary because the food of the animal producing the fats varies. If a hog is kept on alfalfa, rape, or clover pasture and eats very liberally of leaves his fat will contain a demonstrable but not a large quantity of vitamin A; in fact, it is always low.

You can depend on this, that any white fat or any fat that is nearly white, is practically lacking in vitamin A, because that quality goes with yellowness in fats, but yellowness only of a certain origin, not all kinds of yellow, are indicative of the presence of that vitamin.

The body fats, so far as assays have been made—and they are exceedingly numerous—are inferior to even a low-grade butter as a source of vitamin A. I can answer your question, therefore, with great confidence, that I tell you the truth when I say that all butter substitutes, so far as I am aware, are distinctly inferior to even a low-grade butter.

* * * * * * *

Mr. BRIGHAM. Now, the situation in this country seems to be this at the present time: Under a ruling made by the Commissioner of Internal Revenue, palm oil, yellow in color, can be used in the manufacture of oleomargarine, and unlimited quantities of oleomargarine made to imitate butter in color and texture can be put upon the market. The oleomargarine industry is planning a campaign, I am told, an extensive advertising campaign, to promote the sale of that yellow-colored product, which is taxed one-fourth cent per pound. If that should lead to the supplanting of butter by oleomargarine in the diet of the American people, what is your comment, as one of the leading food experts of the country, of the effect upon the people of the United States?

Doctor MCCOLLUM. I think it would be a step in the wrong direction from the standpoint of the maintenance of the Nation's health; that any invasion of so precious a product as butter or any other dairy product should be so marked that there is no prospect that a purchaser may be deceived as to what he is purchasing and that no economic condition should be permitted to prevail which would enable an inferior food product to displace on the American table a superior food product such as butter.

From the economic viewpoint the dairy farmers of this country constitute the largest single branch of agriculture. While almost every farmer owns a cow, those supplying milk and its products which go into general consumption number nearly 1,500,000 farm families. The total volume of milk annually produced is approximately 130,000,000,000 pounds. In normal years the value of this product at the farm will exceed $2,750,000,000. The industry is well established on a commercial basis in about 35 States and is making rapid headway in the Southern States, particularly in Virginia, the Carolinas, Alabama, Louisiana, and Texas. The relative commercial importance of the oleomargarine industry and the dairy industry are illustrated by the following comparison:

Oleomargarine produced in the fiscal year ending June 30, 1930, was 349,123,725 pounds. Of the above amount 17,102,771 pounds were colored and paid the 10 cents tax; 332,020,954 pounds were uncolored and paid one-fourth of 1 cent tax.

But dairy farmers are not the only ones interested in the economics of this question. If you will consult the table in the hearings which shows the different materials used in the manufacture of oleomargarine, you will see that the tendency is to use a less amount of such home products as oleo oil, cottonseed oil, peanut oil, and lard, and to use increasing quantities of foreign oils such as coconut oil. Palm oil is a foreign product and its permitted use will lead to a further reduction in the use of our native products.

In a pound of oleomargarine in the formula I quoted, there is but six-tenths of a cent's worth of cottonseed oil. On the other hand, we have in the South as a by-product of our great cotton industry quantities of cottonseed meal. This meal is one of the best sources of protein feed for the dairy farmer. The Yearbook of the Department of Agriculture estimates that as much as 2,000,000 tons of cottonseed meal and cake are used as feed annually. It is the usual practice for a dairy farmer to feed a cow producing a pound of butter a day 2 pounds of cottonseed meal in her ration. This is worth at least 2 cents per pound. Therefore, when a pound of butter is sold it provides a market for 4 cents worth of cottonseed meal together with additional quantities of hay, corn, and grain by-products, all the products of our soil.

Let me remind those from the South who are thinking of the oleomargarine industry as a consumer of $2,200,000 worth of cottonseed oil, that the dairy farmers of the country are customers for $80,000,000 worth of cottonseed meal.

The dairy farmers of this country are producing a food which the best experts in nutrition say, in the light of recent discoveries, is essential to the welfare of our people. That food needs protection from counterfeits. Butter has been known for ages as a spread for bread. It has a natural yellow color which is its trade-mark. Substitution of oleomar-

garine for butter, which can not be avoided if the imitation is perfect, is the substitution of an inferior article to the detriment of the health of the consumer. Oleomargine manufacturers can choose from a wide range of colors any but yellow to color their product. They can advertise it and sell it for what it is and there will be no complaint from the dairymen of this country. Fair play demands the passage of this amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. LINTHICUM. Mr. Chairman, I object for the present. I do not know that I shall object when the gentleman has finished.

The CHAIRMAN. Objection is heard.

Mr. JONES of Texas. Mr. Chairman, all Members have been granted that privilege.

Mr. PURNELL. Mr. Chairman, I would like to ask what the request was and what objection was made?

The CHAIRMAN. The gentleman from Michigan asked unanimous consent to revise and extend his remarks. To that request the gentleman from Maryland [Mr. LINTHICUM] made objection. The gentleman from Texas then stated that such permission has been given to all Members.

Mr. PURNELL. That is the information I wanted to give the Chair. I made that request and it was granted by the House.

Mr. KETCHAM. Mr. Chairman and members of the committee, in the very limited time at the disposal of any member of the committee or at the disposal of any of the large number of Members who would like to speak upon this very important measure, of course, there is no opportunity to enter into any long discussion.

There are two things I want to say. In the first place, I want to call the attention of the members of the committee to the fact that in all probability the measure now under consideration affords us the last opportunity of listening to our distinguished friend, the author of this bill, who is voluntarily retiring from Congress.

As one member of the Committee on Agriculture I want to take this moment out of my time to pay my tribute to the exceptional services rendered by Hon. ELBERT S. BRIGHAM, of Vermont, not only as a member of the Committee on Agriculture but as a Member of the House of Representatives. [Applause.] Coming to the Committee on Agriculture from a fine experience in his native State, both as a successful farmer and as an exceptional administrator as commissioner of agriculture, he at once commanded the respect and esteem of all the members of that committee. [Applause.] Quiet and modest in manner, well informed, courteous, yet direct in discussion, he has always been listened to with the greatest interest, and certainly his judgments have made a profound impression upon the committee, and his views have been registered in more than one provision that has been written into the law. I am sure I voice the sentiment of every member of the committee and the Members of the House when we say we regret his retirement, voluntary though it may be, and that our good wishes go with him in whatever career he may enter upon after his retirement. [Applause.]

The other point that I wish to take just one moment to mention is this: That it seems to me that all the arguments that have been made by our opposing friends with so much feeling that this is a measure that is intended to work harm to the people in the cities is very far-fetched, indeed.

I wish to say, Mr. Chairman, that I would be glad indeed to have the opportunity, if only time permitted, to meet our friends fairly upon that issue. I believe that both in the interests of economy and the higher standards of health of the people in the cities—for whom so many tears have been shed here this afternoon—I believe those who are standing in advocacy of this bill can justify their position to a far better degree than can those who stand in opposition thereto. [Applause.]

Particularly do I desire to emphasize the extreme importance of the use of butter instead of butter substitutes as a distinct aid to good health, which in turn, of course, is a very fundamental of real economy. Dr. E. V. McCollum, in response to a direct question as to the comparative food value of oleomargarine and butter, stated:

> I can answer your question, therefore, with great confidence that I tell you the truth when I say that all butter substitutes, so far as I am aware, are distinctly inferior to even a low-grade butter.

Subsequently, he stated to the committee that all butter substitutes were distinctly inferior in nutritive value to even low-grade butter. No higher authority can be quoted upon the subject of nutrition than Doctor McCollum, and any real, sincere friend of the poor is rendering them a distinct disservice when he advocates the use of a substitute for butter, either from the standpoint of health or economy.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Illinois [Mr. ADKINS].

Mr. ADKINS. Mr. Chairman, the oleomargarine question is not a new question by any means. I do not think there is any right-thinking man but what thinks the dairy interest of the country, as important an industry as it is and as much as it means to humankind, is entitled to and should receive all the protection that is necessary. I have got a lot of dairymen in my district. I also have a lot of men in my district producing natural oils from American farm products. I do not think many men in my district think it is good policy to tax one set of American producers in the interest of another.

The thing that has brought about this legislation, as you all know, is the recent discovery that has been made in the refining of palm oil. They have been importing it into this country and they have recently refined it down to such an extent that it makes a butter substitute, and they are beginning to use it. They have not used a great amount of it yet, but they have used enough to scare the dairyman.

We have brought in a bill here, not only to correct that but to put a 10-cent tax on all vegetable oils that are yellow in color and produced in this country. This interferes with a large number of men who are producing oil in this country. In my part of the country, for instance, we have the dairymen and we have the soybean growers and we have the corn growers, and just recently, as they have found means of refining the corn and soybean oil, they can use them in the production of oleomargarine.

Here we have on the one hand the man milking a cow and the same man raising soybeans and raising corn. One man has raised the question that one big concern has a monopoly on this oil and sells it to only one man. One man came before our committee and made a great complaint that this fellow had a monopoly; but any other man that wants to refine corn oil or that wants to refine soybean oil can do so if he will refine it down low enough. The man that is referred to sells in wholesale quantities and does not retail anything. As a matter of fact, he can sell to better advantage by wholesaling to this one man than to any other fellow, but anybody else can do it. Now, the soybean growers sell their product to this man and he refines it, and I think one little amendment to this bill would cure this situation by putting a 10-cent tax on all butter substitutes that are made from oils that are produced in foreign countries and let the ordinary administrative tax of a cent a pound go on oils produced on American farms.

If a poor man finds he can not buy butter because it is too high for him, he looks around for something else with which to spread his bread, and if the old woman can not make gravy for him to spread on his bread to take with him to his work he looks around for some other substitute, and if it is grown on an American farm, what is the difference. He will buy butter if the price is within reach of him, but

we have thousands of them in my district that are buying substitutes for butter.

I put a speech in the RECORD about a year ago when we were considering the oleomargarine bill, giving the prices for a period of 10 years, and the average price of oleomargarine on the Chicago market, which is perhaps the greatest food center there is in the world, did not vary very much, and you will find that the consumption of oleomargarine does not vary very much.

A man would rather buy butter if he can afford it and generally does, but if he buys some other article produced on a farm in this country he should not be taxed if the product is produced from fats or oils produced in this country; in some other country, then, I think the 10-cent tax should apply.

It will make very little difference, in my opinion, in the amount of oleomargarine consumed whether the fats and oils that it is made of are produced in this country or some other country, but it will make a difference with our farmers if most of it is made from fats and oils from other countries. Palm oil would naturally come in competition with oils produced here, and if cheaper will be used.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ADKINS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a telegram from the National Soybean Oil Association as a part of my remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks and to include therein a telegram to which he has referred. Is there objection?

There was no objection.

The telegram is as follows:

DECATUR, ILL., *February 24, 1931.*

Hon. CHARLES ADKINS,
House of Representatives, Washington, D. C.:

Brigham bill is to be brought out on floor Tuesday, February 24. This bill primarily designed eliminate imported palm oil as an ingredient in oleomargarine. However, unless amendment made to bill, will also preclude use American farmer produced soybean oil and corn oil. Soybean growers and crushers need this market to avoid acute surplus; it is essential American agriculture be protected against foreign competition, but nothing constructive can be accomplished by benefiting one agricultural group at the expense of another. For thousands of farmers soybeans have been the only profitable crop during the last several years, and they expect you to help them prevent legislation which will destroy an important outlet for them. An amendment to the Brigham bill, permitting such domestic oils as soya and corn, should be made.

NATIONAL SOYBEAN OIL ASSOCIATION.

The CHAIRMAN. The Chair will be glad to be advised by the gentleman from Texas with respect to control of the time. Under the rule the gentleman from Texas [Mr. JONES] is in control of the time on that side as the ranking minority Member.

Mr. JONES of Texas. Mr. Chairman, I have agreed to let the gentleman from Illinois [Mr. SABATH] control the time, in view of his opposition to the bill.

The CHAIRMAN. Then the gentleman from Texas yields all his time to the gentleman from Illinois [Mr. SABATH], to be yielded in his discretion.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, this bill is for the farmer. They talk about a tax. You do not tax any natural color more than a quarter of a cent a pound and who in this world can complain about that?

This bill is fundamentally for the farmers of this country and for the cow that saves them in the hard times. When everything else fails, the old cow, if she is fed and given the proper attention, is going to keep the household from want. I am for the cow and I am for this bill. [Laughter and applause.]

This bill is fundamentally right. Why is it that some people oppose this bill which taxes the coconut oil and other products, which makes white oleomargarine all painted up, when the natural coloring has no 10-cent tax on it?

You cotton farmers—and I am one of you—know that cottonseed oil has just as yellow a color as any cow butter that ever was produced in any State of this Union. You do not tax that, and the only thing you can say is that these people who color up their oil product and make it appear just like cow butter should be taxed, and I think a hypocrite ought to be taxed all the time. [Laughter and applause.]

Why should a first-class eating house be allowed to serve butter-appearing oleomargarine under the fraudulent pretext that it is cow butter? If it is artificially colored like real butter it fools the public.

This will not keep the poor people from buying butter; they can get it at an increase of only one quarter of a cent a pound, and at the same time it will help the great dairying industry of the United States.

My friend from Kansas [Mr. STRONG] is for the bill and I am for the bill.

You have in every State in the Union, nearly, farmers who make their own butter and they ought to be allowed to sell that butter; every farmer ought to have a cow and make butter enough for himself and some to sell. [Applause.] I hope this legislation will pass.

Mr. SABATH. Will the gentleman yield?

Mr. QUIN. I yield.

Mr. SABATH. If I am not mistaken I heard the gentleman say that this would only raise the price of butter a quarter of a cent a pound. It puts a tax of 10 cents on oleomargarine.

Mr. QUIN. It puts a tax of 10 cents on colored oleomargarine but only one-fourth of 1 per cent on uncolored oleomargarine. On uncolored oleomargarine, or natural colored oleomargarine, the tax is one quarter of a cent a pound. I hope that every man in the House will vote for the dairy industry and pass this legislation. [Applause.]

Mr. SABATH. Mr. Chairman, I yield 15 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I am glad to hear my good friend from Mississippi tell us that he is for the cow. That is a very good expression, but I want to say that I am for the man who is not always able to buy butter at 39 or 40 or 50 cents a pound and must purchase a cheaper product, oleomargarine or bread shortening.

I am opposed to taxing all oleomargarine with a yellow color of more than 1.6° of yellow at 10 cents a pound. If you tax oleomargarine having as little yellow color as that, then you gentlemen of the South can not sell your cottonseed oil and peanut oil, oleo, and such ingredients that oleomargarine producers have been using, because these ingredients are themselves more than 1.6 per cent yellow. Unless these products of the Southland are bleached they can not be used in oleomargarine under this bill so that the product may be sold white for one-quarter of a cent per pound tax, with the result that products from abroad will be used to the detriment of our native producers.

I am opposed to placing a tax of 10 cents a pound on oleomargarine shortening because it must increase the price by that amount.

There are 331,000,000 pounds of oleomargarine manufactured. If you place a tax of 10 cents a pound on that amount you increase the cost of living of the purchasers of this country to the extent of $30,000,000. Of course they can buy the white product of less than 1.6 per cent yellow at one-fourth of 1 cent tax, but they will not enjoy nor tolerate this. I do not know why a great industry like the dairy industry should be continually coming to Congress for protection by asking for an internal tariff.

I have been contending with the great dairy industry even since I came to Congress. I had no intention of getting mixed up with them, but the public interest seems to require me to do so.

Years ago the Federation of Labor of Baltimore came and asked me to introduce a resolution compelling the dairies of this country to submit themselves to inspection. They proved beyond contradiction that the dairies of this country at that time were not decent to manufacture and turn out

butter. That evidence you will find produced before the Rules Committee.

Why should they have protested that? Why should they not have said, "If you think you can help us improve on our product, if you think you can help us to clean up, we will be satisfied with this resolution"? But no; they protested against it and killed the resolution and continued to go on in their own way of doing business.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield.

Mr. LINTHICUM. No; not now. I am proud to say for them, however, that they did begin to clean up their dairies, and they have made a wonderful progress in cleanliness since that time; but they did not do it until they were threatened by Congress to compel them to do it. Then we proved that bovine tuberculosis extended in the herds all over the country, and it is due to my good friend from Nebraska [Mr. SLOAN] that we finally got an appropriation to help eradicate tuberculosis in cattle. That appropriation has continued to increase until it now amounts to $6,505,800. So that situation is now far better; but it is not perfect by a long ways. The average bovine tuberculosis in this country is 3.3 per cent to-day. In the States to the south it is very low, but in some of the States to the north it even goes as high as 14 per cent. Why not persevere until it is totally eradicated? Why do not these dairy interests come to us with clean hands? Take my city of Baltimore. We produce in the State of Maryland 27,995,481 gallons of milk. Maryland produces 172,000 pounds of creamery butter and consumes 23,000,000 pounds. Less than three-fourths of 1 per cent is home produced. We have a Maryland dairymen's association or league, whatever it is called. Those men collect 1 cent a gallon on every gallon of milk that they contract for between the producers and the dairies; and at a meeting at Alcazar Hall on the 31st of January last, a Mr. Heaps, of the Maryland Dairymen's Association, said that they had a surplus of between $800,000 and $900,000.

In the city of Washington the Washington, Maryland, and Virginia Dairyman's Association has a surplus of over $700,000. In Maryland the farmers are getting 31 cents a gallon for grade A milk and 20 cents for grade B milk. The dairies are selling that milk to the consumers of my city for 56 cents a gallon, making more than 100 per cent on their milk. They are doing the same thing here in the city of Washington, and yet these dairy interests come to us and ask us to put a tax of 10 cents on oleomargarine so that it can not compete with them. The dairy interest is larger than the great steel industry in this country. It is the greatest industry we have. I wish I could fight shoulder to shoulder with them, but when they come to increase the taxes on my people by 10 cents a pound on oleomargarine and shortening, I say they are unfair, unjust, and un-American. Not only are the dairies demanding these large profits but they have formed a huge trust. They first consolidated the large dairies in Baltimore, Washington, and other large cities and then these consolidations sold out to the National Dairy Association, of New York City. No longer local control.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. HOPE. Did not the gentleman himself introduce a bill which is now before the Committee on Agriculture putting a tax of 10 cents a pound on colored oleomargarine?

Mr. LINTHICUM. Yes; and I will answer that. That is but another evidence of your unfairness. Last year the packers and the dairy interests combined.

The packers did it because they had this yellow oleo oil, and they produced butter and colored it with a natural ingredient paying one-fourth of 1 cent tax per pound. I said to you, "Why put my shortening people out of business, why not let my people come in on the same basis that your packers are, and if you have to tax them 10 cents per pound make it a tax on all of them at 10 cents," and what did you say? "Oh, no," you said. You combined with the packers of the country and let them have theirs at one-fourth of 1 cent a pound, but that we people producing the shortening must pay 10 cents a pound. You were just as unfair then as you have always been unfair. My bill never had this joker of 1.6° yellow, which will play such havoc.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. SIROVICH. Is there anything in the oil that goes into this oleomargarine that is obnoxious or offensive to health?

Mr. LINTHICUM. Oh, no; that is admitted in the hearings. It is a perfect product and quite nutritious.

Mr. SIROVICH. Will the gentleman be kind enough, if he can, to tell me what is the chemical difference between butter and oleomargarine?

Mr. LINTHICUM. It is a matter of butterfat, but I think the gentleman better ask the gentleman from Pennsylvania, Doctor MENGES, that question. I know very little about chemistry and chemical analysis.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BRITTEN. Is it not a fact that under this bill it will not make any difference how the oleomargarine is manufactured? If it has a certain percentage of natural yellow in it that comes from the fat or the lard itself, it will pay a tax of 10 cents a pound.

Mr. LINTHICUM. Yes; that is the joker in the bill.

Mr. BRITTEN. Of course.

Mr. LINTHICUM. The gentleman from Kansas asked me about the other bill. You can not use any of our natural products, you can not use the products from Alabama, unless you bleach them. You can not make them less than 1.6° in color test unless you do.

Mr. BRITTEN. But this bill goes further, because if your oleomargarine is made out of pure leaf lard and has a yellow tinge to it beyond a certain percentage stated in the act it is taxed 10 cents a pound.

Mr. LINTHICUM. Yes.

Mr. BRITTEN. And, of course, that is a tax on the consumer.

Mr. LINTHICUM. Mr. Chairman, to further augment my statement in reference to the tax on the poor of our country, I have a letter here which I received from the American Federation of Labor, referred to by the gentleman from Alabama [Mr. BANKHEAD], which I ask to have read in my time.

The CHAIRMAN. Without objection, the Clerk will read the letter in the time of the gentleman from Maryland.

There was no objection and the Clerk read as follows:

The American Federation of Labor is opposed to any further tax being placed upon oleomargarine because of the use of palm oil. We wish it were possible to feed every man, woman, and child in the Nation pure butter, but unfortunately and obviously this can not be done because of the almost perpetual poverty of millions of our people. It has been estimated that there are in the neighborhood of 20,000,000 of people who are living in poverty. These poor people are often victims of malnutrition. They are unable to buy the kind of food that would enable them to render good health. These people being unable to purchase butter have to resort to a substitute, so they buy oleomargarine. In order to make this product a little more appetizing the use of palm oil has been resorted to by manufacturers. Palm oil is a pure product and its coloring is natural.

We are opposed to any further tax being pressed upon this product because, as you know, to do so you are taxing the breakfast, dinner, and supper tables of millions of unfortunate people who are already unable to live as Americans should live and as we want them to live. We trust that this committee will not vote for this bill or any other bill of a like nature that would add to the burdens of our poor.

Mr. LINTHICUM. We find in the hearings that oleomargarine containing animal fats would cost on an average of 9 cents a pound; that oleomargarine containing vegetable oils would cost about 6.8 cents per pound (report, p. 5). If you add the 10 cents per pound to either the 9 cents or the 6.8 cents you will then have less than 20 cents a pound. If they can buy it at 20 cents a pound with a fair profit, they are not going to pay 39 or 40 or 50 cents a pound for butter. The consequence is they will buy oleomargarine, and the result is that they will pay 10 cents a pound tax. Now, do we

want to start an internal-tariff system in this country? As has been said here to-day, if you want to do that, why not tax the rye producer so much per bushel so as to protect the wheat producers, or rayon so as to protect the silk industry, and so forth? Some one has said that if the dairy interests, represented as they are in Congress, be allowed to put this 10-cent tax on oleomargarine, why would not the oleomargarine people, if they ever attained such a position as the dairy interests have now attained, have the right to put a tax of 10 cents a pound on the butter produced in this country? One would be just as fair as the other. Just imagine what the dairymen would say if the oleomargarine people were strong enough in this House to place a tax of 10 cents a pound upon butter.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. SABATH. I yield three additional minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. CLARKE of New York. Will the gentleman yield?

Mr. LINTHICUM. I yield.

Mr. CLARKE of New York. In principle, is that not exactly what you have done on whisky in this country?

Mr. LINTHICUM. The gentleman does not seem to have his mind on anything but whisky, and he thinks I have my mind on whisky.

Mr. CLARKE of New York. The gentleman is chairman of the wet organization here. The gentleman should answer my question in common honesty.

Mr. LINTHICUM. Yes; I am, and I am proud of it. We will get your goat within a very few years. But the question of a tax on whisky and all spirits is an entirely different proposition and the gentleman knows it. Whisky has not any competitor; it never will have any competitor that you can tax.

Mr. STRONG of Kansas. Except water.

Mr. LINTHICUM. I would not like to suggest a tax on water.

Mr. STRONG of Kansas. It is the best drink there is.

Mr. LINTHICUM. If whisky had a competitor then the whisky interests might demand, if this competitor got strong enough, a tax on that competitor.

Mr. STRONG of Kansas. On water?

Mr. LINTHICUM. I think by general acclamation, whisky has not any competitor.

Mr. BRIGHAM. Will the gentleman yield?

Mr. LINTHICUM. I yield.

Mr. BRIGHAM. How about a tax on adulterated butter or renovated butter, both 10 cents a pound.

Mr. LINTHICUM. I do not know much about that, I am frank to say to the gentleman, but I would like to say to the gentleman further, that the butter that the farmers produce in the spring of the year, which is too light to sell and which is colored by them with artificial coloring, has no tax on it.

Mr. KETCHAM. Will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. KETCHAM. They color it to look like what it really is, whereas the oleomargarine people color it to look like what it is not.

Mr. LINTHICUM. Mr. Chairman, I yield back the balance of my time.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from New York [Mr. CLARKE] five minutes.

Mr. CLARKE of New York. Mr. Chairman and beloved colleagues.

Strange sounds were heard emanating from the old cow barn, mysterious shadows flitted hither and thither, and Rover, the faithful old shepherd dog, had been barking and howling, so I got up and hurried to the barn to see what the trouble was.

There was the mother cow and the father cow and the roosters and chickens all gathered around a strange little yellow package to look, in mysterious wonderment, at the little stranger in their midst. In a few minutes a long-haired, wild-eyed professor came rushing into the barn to acknowledge the parentage of the little child he called "Oleo."

The professor grabbed the yellow kid, rushed from the barn, and it was fortunate he did, for the papa cow was pawing the earth and roaring to beat the band, and the mother cow was weeping at this strange child, conceived in fraud, destined to unfairly compete with the healthy, wholesome product of mother cow. [Laughter and applause.]

The guilty professor hurried to Uncle Sam, acknowledged the child was illegitimate, destined to unfairly compete with healthy, wholesome butter, admitted to Uncle Sam his guilt and went further, and said he was willing to be taxed 10 cents a pound on this yellow daughter, "Oleo," for her support.

A bill was instantly prepared to make certain that Uncle Sam got this tax to support Oleo, and all went well until from the mysterious islands of the Pacific the professor found old mother Palm Oil, and a new yellow kid was born. [Laughter.]

A lot of stepchildren gathered in this unholy alliance; there was Miss Cocoanut Oleo and Master "Nutty" Margarine, and other dirty children. They all were hollering that they could not get old "mother fat" Guernsey from the packers and insisting on a 10-cent tax, and lo and behold, Miss Palm Oil opened the door for all this strange crowd of bunko artists.

All the dairy farmer wants is protection for his legitimate dairy product, and all Mr. and Mrs. Dairy Farmer want is that the parents of Miss Oleo do what they agreed to do originally, pay the tax of 10 cents a pound, where Miss Oleo, colored in the semblance of butter, enters into our family life in unfair competition with butter.

Fair play, a square deal, and meeting the obligation, Oleo's parents freely entered into with Uncle Sam, is all we ask and all this bill is expected to do when it becomes a law. [Applause.]

Mr. SABATH. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Chairman, ladies and gentlemen of the committee, I come from the greatest milk and dairy products consuming city in the world, the city of New York. We are great milk drinkers down there. I do not believe, as has been suggested, that the city can do without the farmer, nor do I believe the farmer can do without the city. We have to coordinate in our work. One needs the other. We need your products. You need our money. So the wheels of industry move on.

I believe we made a mistake in this country in ever passing a bill legalizing the manufacture and sale of oleomargarine. Canada was wiser than we. In the Dominion of Canada there is an absolute prohibition against the manufacture and sale of oleomargarine, and yet we have a bill here which portrays, as I call it, the battle of the counterfeits. This is not a dairy bill, as I read it. It is a bill trying to make one counterfeit the equal of the other counterfeit. The great State of New York is one of the greatest dairy States in the Union, and yet friends of the farmer from that State rise here and plead on bended knee for the support of a counterfeit that is going to take the place of the farmers' butter as a real, honest form of sustenance. Everyone knows that the food value of oleomargarine is very slight. It is almost deficient in vitamin A, and I do not speak on my own authority, but I am quoting from a man who has studied food values of dairy products for the past 23 years, Doctor McCollum, of Johns Hopkins University. He and Dr. Walter H. Eddy, of Columbia University, were in complete agreement as to their findings.

Now, what do these gentlemen say? They say that butter is rich in vitamin A and contains considerable quantities of three other vitamins. They also say that butter made from crude palm oil contains only one-third as much of vitamin A as is found in butter. They also say further that the method of refining palm oil would destroy its vitamin A content.

Of course, you know that the only ones who really suffer through the sale of these substitutes are the poor in the large cities. Well, you say they must have something to put on their bread or their biscuit or whatever they might have; but yet, gentlemen, they might as well have axle grease to put on their bread as to have oleomargarine. [Applause.] What is the use of fooling ourselves? I am for the farmer. I am for good butter, but I do say that the poor of the great cities, if they are unable to pay the price of regular dairy butter, are no worse off without butter than to spend their good money for these miserable counterfeits. This battle of the counterfeits is occasioned by the fact that you can produce one counterfeit, a certain number of pounds, $25 cheaper than you can produce the same quantity of the other counterfeit. So, therefore, it follows that in order to put the counterfeits on a parity we are going to tax the second counterfeit sufficient to bring it up to the range of price of the first counterfeit. Is not this wonderful business for the Congress of the United States to be engaged in trying to settle a dispute between counterfeits? There are more important matters which I think should have our attention at this late hour of the session than the ridiculous bill now before us.

I will read further from the report by Doctor McCollum:

In the 23 years I have been working in this field and talking about the subject of my researches and those of others, I have tried to keep in mind the quality of the human diet and to make such recommendations as would make for safety.

The doctor further said:

Margarines have been made out of many different materials, mainly out of animal body fats and of vegetable fats. * * * The body fats, so far as assays have been made—and they are exceedingly numerous—are inferior to even a low-grade butter as a source of vitamin A. I can answer your question, therefore, with great confidence that I tell you the truth when I say that all butter substitutes, so far as I am aware, are distinctly inferior to even a low-grade butter.

Then he further says:

I think it would be a step in the wrong direction from the standpoint of the maintenance of the Nation's health that any invasion of so precious a product as butter or any other dairy products should be so marked that there is no prospect that a purchaser may be deceived as to what he is purchasing, and that no economic condition should be permitted to prevail which would enable an inferior food product to displace on the American table a superior food product, such as butter.

Now, gentlemen, statistics have shown that the dairy industry is a much better customer of the cotton grower, because the cottonseed meal consumed by dairy cows is many times the amount of cottonseed oil used in the manufacture of oleomargarine. I do not understand why the committee in making its report favors one of these counterfeits as against the other, because in the concluding paragraph of its report it says as follows:

The passage of this bill will do no injustice to any industry and will deprive no industry of any right which it legitimately has. It will protect an essential food product necessary to the welfare of the American people.

Now, listen to this: They are upholding one counterfeit and they are urging help for the other counterfeit. They say this:

It will protect an essential food product necessary to the welfare of the American people from the competition of a counterfeit.

So they admit the other fellow is a counterfeit, although they themselves are speaking for the counterfeit in supporting as they do counterfeit No. 1, and in their report they say that they want to protect counterfeit No. 1 from the assault of counterfeit No. 2. They say:

It will protect an essential food product necessary to the welfare of the American people.

They say it will protect the American people from the competition of a counterfeit, which I have designated as counterfeit No. 2, and they say further:

And it will afford necessary protection to the dairy industry.

How can it protect the dairy industry? It is not a bill which says we should use pure butter or should use whole milk in its manufacture. No. It does not say that. It says, "We want to protect oleomargarine that is colored by animal fat against oleomargarine that is colored by palm oil." They say that one of the counterfeits is colored by animal matter and you have to have a certain degree of yellow. Why yellow? Why not have a pastel shade of pink or green? Why confine yourself to yellow? But it says that this palm oil, through a certain method, acquires a certain degree of yellow, 1.6, or whatever it might be, I do not know. But the thought occurred to me: Why center on yellow? There are other colors that are more popular than yellow. We could have different pastel shades, just as deep blue or the pastel shade of green. Why confine ourselves to yellow? We are giving yellow, I protest to you gentlemen, an undue prominence.

Mr. DAVIS. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. DAVIS. The gentleman has very properly suggested that there are several other good colors. Can the gentleman tell us why the oleomargarine manufacturers are not willing to adopt some other color for oleomargarine instead of yellow, which is the butter trade-mark?

Mr. BOYLAN. I do not know. To tell you the truth, I am opposed to all kinds of oils and all kinds of butter substitutes.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. LAGUARDIA. The gentleman is making a very interesting chemical analysis of this bill; is the gentleman for the bill or against the bill, so that we may be guided by his views?

Mr. BOYLAN. Of course, the gentleman, in his usual facetious manner, has asked a question that I will not attempt to answer. [Laughter and applause.] I have always regarded the gentleman as not being particularly obtuse and therefore I think he comprehends the trend of my remarks.

But, gentlemen, I was diverted from my color ensemble. If we take one particular color, why not take others? We should not put ourselves in the position here in the House of Representatives, representing all the people of this country, of wasting time that the distinguished Clerk of the House says is worth $1,440 an hour, trying to patch up a truce between exponents of two different butter substitutes that in themselves have no real food value——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SABATH. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. BOYLAN. Now, the gentlemen from the rural sections say, "Oh, they are talking the old stuff for the poor of the cities." We are glad to come here on the floor of this House and represent them. They are inarticulate, they can not speak for themselves, and we are here to speak for them and we are glad to speak for them. Let us not be like the famous French Queen when she was told that the populace was shouting for bread she replied, "Oh, why not feed them cake." Some of the gentlemen here say, "Well, if you do not have these substitutes the poor can not have any butter." What is the use of giving them a substitute for butter that has no food content. [Applause.] You might as well say that if they ask for bread you will give them a compressed loaf of sawdust. It would be practically of the same food value as a butter substitute.

I can not understand or within my limited scope of intelligence fathom what actuates the farmers and the dairymen of our country in supporting a bill of this kind. It is taking money out of their pockets. I only wish in the remaining days that are left of this session we could pass a bill repealing the act of August, 1886, and prohibit the manufacture and sale of all kinds of butter substitutes in this country. [Applause.] If we did this we would really be helping the farmer and the dairymen and you gentlemen, professional and experienced farmers that many of you are, know that such action would not only bring money to the coffers of your constituents, but would bring health and would bring happiness to the residents of the large cities of our magnificent country.

Mr. SIMMONS. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. SIMMONS. Do I understand the gentleman would support a bill to entirely prohibit the sale of butter substitutes?

Mr. BOYLAN. I would; yes.

Mr. SIMMONS. Then why not go part way and help us as far as this bill goes.

Mr. BOYLAN. I would, only as I must repeat, this is a battle of two counterfeits, one against the other. Your committee admits that it is a counterfeit and stigmatizes it as a counterfeit, and I designate it as counterfeit No. 2.

Mr. SIMMONS. Your yellow oleomargarine is one counterfeit; what is the second?

Mr. BOYLAN. The second is the fellow who colors his substitute with palm oil, and it is a battle between the two of them because the palm oil counterfeit can be produced a little cheaper than the animal fat counterfeit, and I am sure the gentleman does not want to stand for counterfeits.

Mr. SIMMONS. This bill would apply as to both the yellow counterfeits, as the gentleman terms them.

Mr. BOYLAN. Oh, no; I read what the committee said. The committee said that it is in favor of counterfeit No. 1, and opposed to counterfeit No. 2.

Mr. SIMMONS. No; there is nothing in the bill that justifies that statement.

Mr. BOYLAN. It appears in the committee report accompanying the bill. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Texas [Mr. JONES] five minutes.

Mr. BANKHEAD. Mr. Chairman, I would like to inquire of the chairman of the committee if it is the purpose of the committee to conclude the consideration of this bill to-night?

Mr. HAUGEN. We would like to get it to the point where we take a vote and then take that vote to-morrow. We want to close general debate and the debate under the 5-minute rule to-night.

Mr. MICHENER. There seems to be some question about the session to-night. If you will look in the RECORD, you will see that the unanimous consent provided that it shall be in order to move to consider private bills—that "it shall be in order to move." So that if a filibuster is conducted against this bill up to 8 o'clock, it will not insure that the consideration will end at 8 o'clock. It will mean that this bill will go on until completion if the chairman insists, unless the House by a majority vote decides otherwise. So a filibuster can be of no effect as far as killing the bill or preventing a vote to-night is concerned.

Mr. BANKHEAD. Well, I do not know why the gentleman employs the term "filibuster." I see no evidence of it.

Mr. HAUGEN. Mr. Chairman, the Committee on Rules has been most generous in granting this rule for the consideration of the bill. If it is agreeable to the membership of the House, I would be willing to cut the time for general debate down to one hour, and then read the bill under the 5-minute rule and get to the point where we can have a vote and have that vote in the morning. If that is agreeable to the membership of the House, it is agreeable to me.

Mr. SABATH. Mr. Chairman, as one opposed to the bill and having honestly been opposed to it for many years, I want to say that I have not been guilty of any filibuster; I have been trying to go along and save the time. I have used only 37 minutes of the hour and a half allotted to me. I have not made any points of order; but if I am going to be charged with being guilty of a filibuster, of which I am as innocent as a newborn babe, then we will have a little filibuster. It seems to me we ought to have a quorum present, but I am not going to make the point now. I do not like, however, to be charged unfairly and unjustly with conducting a filibuster. Let us go on; I am willing to cut down the time on my side as much as the gentleman from Iowa will on his side. Let us adjourn and at 8 o'clock go on with the Private Calendar; give us a chance to go home and come back at 8 o'clock. We can then take the bill up under the 5-minute rule to-morrow. I have only two or three amendments to offer, and I agree not to take more than 30 minutes to-morrow.

Mr. BRITTEN. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. BRITTEN. Is it not possible for both sides to agree to finish the bill up to the point of a vote this evening, so that Members who desire to go home can do so and come back for the night session on the Private Calendar and take the vote on this bill to-morrow?

Mr. SABATH. I have a few amendments to offer, and I believe if the membership is present they will consent to these amendments that I will offer, or at least to one of them. In view of the conditions to-night, I am afraid I would not get that consideration for my amendment that I wish.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. LAGUARDIA. I do not know what the gentleman's amendments are, but I understand that one of them is as to the time that this bill shall go into effect. It seems to me that we could agree on a reasonable time as to when the provisions of the bill shall take effect. We know that the farmers have the votes in this House. Why can not you agree on the time?

Mr. STRONG of Kansas. Because it is the one thing that we can not agree on.

Mr. LAGUARDIA. The bill provides that it shall go into effect in 90 days after enactment. Why not make it six months?

Mr. HAUGEN. I could not do that without conferring with the members of the committee.

Mr. LAGUARDIA. If the gentleman advocates a law as drastic as this, it seems to me that it is a reasonable demand to give these people six months in which to clear their counters.

Mr. BRITTEN. Oh, it takes three months to close their transactions abroad, and they are only allowed three months in this bill.

Mr. STRONG of Kansas. Business abroad has nothing to do with this bill.

Mr. BRITTEN. Yes. They are buying palm oil abroad.

Mr. STRONG of Kansas. Oh, no; they are using lard.

Mr. BRITTEN. The gentleman said they were not a moment ago.

Mr. JONES of Texas. Mr. Chairman, the gentleman who spoke last said that this was a contest between two counterfeits. In its essence it is a battle between the coconut and the cow, and, to paraphrase the statement of the gentleman from Missouri [Mr. NELSON], in that kind of a battle I am inclined to favor the American cow. [Applause.] These gentlemen have been shadow boxing here on the basis that they are not in favor of taxing one domestic commodity to favor another. Neither am I. I agree with their logic and conclusion, but I deny their premise. I want to talk to the people from the South for a few moments about what kind of a commodity this is. Something has been said about cottonseed oil. According to the report of the Bureau of Internal Revenue, 6.90 per cent of this commodity is cottonseed oil and less than 2 per cent is peanut oil. There were only 30,000,000 pounds of cottonseed oil put into oleomargarine last year, while 185,000,000 pounds of coconut oil were used. The 30,000,000 pounds of cottonseed oil represented a value of $3,000,000. I have a report from the Bureau of Agriculture showing that $89,000,000 worth of cottonseed meal and cottonseed cake were fed to the cattle of America, and their estimate is that $51,000,000 of that was fed to dairy cattle. Of the 58,000,000 cattle in the United States, 32,000,000 are dairy cattle. In other words, there are seventeen times as much cottonseed products fed to dairy cattle as were put into oleomargarine. If you put the dairy cow out of business, you destroy your own products. This is a crisis not only for the dairy products but for cottonseed. It is a crisis for peanuts; it is a crisis for all domestic oils, because this country is being flooded with foreign oils. Nine hundred and eighty-two million pounds of coconut oil came into America last year. The

trouble is that we have been favoring foreign commodities. Gentlemen talk about this being a domestic commodity. It is not a domestic commodity. It is made out of foreign ingredients, and the domestic ingredients are a minor portion. If I bring a pair of gloves into this country and sew a button on them in America, does that make them an American product?

If I wash a brass watch with gold, does that make it a gold watch? Why do they color this a yellow color? Yellow is not a pretty color. Blue is much more attractive than yellow. It is because through the centuries those who have milch cows have used yellow as their trade-mark. Somebody said something about some butter being colored artificially. That is butter's trade-mark, just like the Yellow Taxicab Co. has a yellow trade-mark, artificially colored. You go out and start a taxicab in Washington painted yellow and see how quick they will get you by the nape of the neck. Why? Not because yellow is especially beautiful, but that is their trade-mark. Away down in west Texas a fellow bought himself two cabs and labeled them "Auto Service" and started to run his auto service, and in three days the Yellow Taxicab Co. from Chicago made him pay a fine and buy two yellow taxis, because he was interfering with the reputation the Yellow Taxicab Co. had built up. Those who milk the American dairy cow have built up a reputation for their commodity. Yellow is in effect their trade-mark. It protects not only them but protects the public in the hall mark of their standard.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HAUGEN. Mr. Chairman, I yield now to the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman and ladies and gentlemen of the committee, we hear a great deal of talk about farm relief. This is the best farm-relief measure that we have had an opportunity to consider at this session. [Applause.] Those who are in favor of farm relief will support the bill, if they understand it. The few manufacturers of butter substitutes, oleomargarine, come here with an air of injured innocence, claiming that they are very much persecuted. Why? Simply because they are not permitted to defraud the public. The addition of yellow coloring does not enhance in any degree whatever the food value of the product, but it is added for the sole purpose and with the sole effect of deceiving the consuming public into the belief that they are using butter when they are not.

The method of imposing a tax has been criticized. I frankly say that I would rather support a bill to forbid the use of coloring in these substitutes, in order to simulate butter, but we entered upon the program of handling the situation in this way as far back as 1886, and we can not at this time, with the dairy industry in a crisis, change the policy, much as some of us would like to do. This 10-cent tax which is imposed only when they use coloring matter, the trade-mark of butter, in order to obtain the benefit and profit they receive from its use, might be termed equivalent to a royalty for using the trade-mark of butter, because it permits them to enhance the price of their products without giving the consumer one iota more in value.

When the amendment to the oleomargarine law was under consideration in the House about a year ago I then discussed the matter and among other things stated:

> In my opinion oleomargarine colored in any manner should be required to pay the 10-cent tax.

The pending bill does that very thing. That which I anticipated has resulted. The manufacturers of oleomargarine have been working assiduously in an effort to produce a product which would imitate and could be sold and served as yellow butter without paying the 10-cent tax. They have finally produced a chemically treated palm oil which when used as an ingredient in oleomargarine produces a true butter-yellow product; this palm oil can be imported into this country in unlimited quantities at a very low price. While this is an artificial coloring and should carry the 10-cent tax upon artificially colored oleomargarine, yet the Commissioner of Internal Revenue, without notice to the dairy interests, rendered the absurd decision that oleomargarine colored by this product does not carry the 10-cent tax. In so doing he gave agriculture one of the severest blows it has received in many a day. It is estimated that it is costing the dairy interests of this country a million dollars a day. This unfair ruling makes imperative the speedy enactment of the bill under consideration.

This is of such grave importance to the State which I represent that the General Assembly of Tennessee has unanimously passed a resolution in favor of the pending bill.

The dairy industry has experienced a remarkable growth in Tennessee within the past 10 years. Tennessee now ranges first among Southern States and is the twelfth State in the Union in dairy production. The district which I have the honor to represent has the largest cooperative creamery in the world together with several other creameries, two of the largest milk condensary plants, and the largest dried-milk plant in the country. It is a great Jersey section. Our thoroughbred Jerseys are shipped throughout the country.

The dairy industry has proven of tremendous value in Tennessee during these last several years which have been so disastrous to agriculture in general. However, the price of butter has fallen below the cost of production, largely due to the sale of these cheap substitutes. This situation must be remedied if the important dairy industry is to survive.

This is a contest between wholesome butter produced from American cows by American citizens on the one hand, and oleomargarine composed of the palm oil of Java and Sumatra, the soybean oil of China and Russia, and the coconut oil of the Pacific and South Sea islands. It is a contest between one of the most nutritious products containing vitamins essential to the welfare of mankind on the one hand, and poor substitutes cheap in price but cheaper in quality on the other hand.

I am for the American cow and the public health, as well as against fraud. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SABATH. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, if I may have the attention of the gentleman from Iowa [Mr. HAUGEN], it is apparent that the proposition in this bill is not new. I am sure the gentleman will agree that not one vote is going to be changed by the speeches which will be delivered from now on. That being so, the gentleman from Illinois [Mr. SABATH] has a perfectly legitimate and proper amendment to offer. The main amendment is to extend the time when the provisions of this bill will take effect.

Now, gentlemen, we are interested in this bill. It seems to me that at this stage of the session it is to the interest of the legislation, this and other legislation that is coming before the House, to agree to terminate general debate now, go under the 5-minute rule, let the amendments be offered with the understanding that when we come to the point of moving to recommit with an amendment, that then we adjourn, and the gentleman from Illinois [Mr. SABATH] may have an opportuntiy of offering that amendment to-morrow morning when we can have the full membership or the gentleman can get a roll call without inconveniencing the rest of the Members.

It strikes me that is a reasonable suggestion and I think the Committee on Agriculture ought to accept it.

Mr. HAUGEN. I quite agree with the gentleman in everything he has stated. I want to say to the gentleman from Illinois [Mr. SABATH] he is always fair and asks nothing unreasonable, but I have about 30 requests for time and I have to make peace with those Members before I can enter into any agreement. I will try to effect an agreement whereby we may close general debate as suggested by the gentleman from New York.

Mr. MCKEOWN. I will waive my time.

Mr. LAGUARDIA. With the understanding that when we arrive at the point of moving to recommit, we will adjourn.

Mr. STRONG of Kansas. I will waive my time.

Mr. LAGUARDIA. It seems to me the gentleman from Iowa can poll his committee now.

Mr. KVALE. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. KVALE. The proposal of the gentleman from Illinois [Mr. SABATH] is not that the chairman of the committee accept the proposed amendment but simply that there be an opportunity to let it go to a vote?

Mr. LAGUARDIA. The gentleman from Minnesota is quite right. The gentleman from Illinois has merit in his contention. With the present temper of the House it is difficult to get consideration of any amendment. He desires to safeguard his amendment so that to-morrow morning he may have an opportunity to move to recommit with any amendment he sees fit to offer. I believe it is going to be an amendment with reference to the time when the provision of the bill will take effect. Thereupon he can get a record vote if he desires without putting the entire House to inconvenience.

Mr. LINTHICUM. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. LINTHICUM. Why can we not agree on the time when this bill will go into effect?

Mr. LAGUARDIA. That is what I am trying to do.

I would like to say to my farmer friends do not forget there is another body in this Congress. If we can agree on a reasonable time to put this into effect it will expedite consideration in the other body. It does not take much stirring up to get opposition elsewhere, where they have more time to deliberate than we have here, and you will jeopardize the entire legislation by taking an arbitrary stand.

Mr. HAUGEN. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all general debate close in 14 minutes, 7 minutes to be controlled by the gentleman from Illinois [Mr. SABATH] and 7 minutes to be controlled by myself.

The CHAIRMAN (Mr. CRAMTON). The Chair may state that the matter is entirely in the hands of the gentleman from Iowa and the gentleman from Illinois. When they cease to yield time, debate will close.

Mr. HAUGEN. Is that agreeable to the gentleman from Illinois?

Mr. SABATH. Yes. [Applause.]

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. I did not understand the gentleman to state whether he was going to continue after the 14 minutes.

Mr. HAUGEN. Then we will proceed under the 5-minute rule.

Mr. LINTHICUM. Will there be a vote to-night?

Mr. HAUGEN. No; not a vote on the bill.

Mr. LAGUARDIA. As I understood the gentleman, he agreed to accept my suggestion that he would not go any further than the point where the gentleman from Illinois [Mr. SABATH] could move to recommit, and that would be taken up to-morrow morning?

Mr. HAUGEN. Yes.

I yield five minutes to the gentleman from Pennsylvania [Mr. MENGES].

Mr. MENGES. Mr. Chairman and members of the committee, in a previous address on this floor about a year ago I discussed the hardening of oils by hydrogenation and showed how this chemical action has opened a large field for the use of cheap vegetable oils in the manufacture of oleomargarine in competition with the dairy industry. May I repeat here that at this time these oils sell at from 30 to 38 cents a gallon and that 1 gallon of vegetable oil, such as coconut oil, will make over 7 pounds of solid hydrogenated fat such as is used in the manufacture of oleomargarine? The law of February 6, 1930, was quite effective in curbing the use of cheap vegetable oils in the manufacture of colored oleomargarine. But since the enactment of this law it has been discovered that palm oil in its natural state, without hardening, can be used in the manufacture of oleomargarine, and by a ruling of the Internal Revenue Commissioner of the Treasury Department oleomargarine colored with the natural palm oil is not considered artificially colored and therefore not inconsistent with the act of February 6, 1930.

A reference was made this afternoon on the floor regarding insanitary butter. Listen to the following on the handling of palm oil. What is palm oil? Palm oil is derived from the fruit of the palm, which consists of a fleshy outer layer like the olive known as the pericarp, which surrounds a hard, woody shell within which is the seed kernel. The outer or fleshy part contains 50 per cent of oil, while the kernel yields about 45 per cent. The palm oil derived from the pericarp is used largely in the soap and candle industry, as well as in the manufacture of oleomargarine, while the oil derived from the kernel is used mostly in the manufacture of oleomargarine.

To separate the pericarp from the shell covering the seed, the bunches of fruit are stored under cover from 7 to 14 days and by a slow-drying process the fruit is loosened from the stalks. The stalks are given a few sharp taps with a stick, when the ripe fruit drops off. After all the chaff has been removed from the fruit the fruit is shoveled into a canoe fittingly constructed and is tramped by the barefooted natives until the pericarp is completely removed from the shell of the kernel. This tramped mass is allowed to remain in the higher end of the canoe overnight; in the morning the oil of the pericarp has drained from the pulp and has run to the lower end of the vessels, and usually without further treatment is shipped largely to London, Hamburg, and to America. The composition of palm oil used in the manufacture of oleomargarine, according to Augustus H. Gill, Oil Analysis, pages 216 and 217—

is of a buttery or tallow consistency of orange-yellow to dirty red in color; has an odor sembling that of the violet. Its composition is mainly palmitin with some olein and free palmitic acid, and probably about 1 per cent stearic acid and a little linoleic acid.

Mr. KETCHAM. Will the gentleman yield?

Mr. MENGES. I yield.

Mr. KETCHAM. Gentlemen of the committee, I want to take this opportunity to express on behalf of the members of the committee the particular appreciation and the great debt of gratitude which the Committee on Agriculture owes to Doctor MENGES [applause], for the exceptionally accurate and lucid discussions of these highly technical phases of questions, like the particular one now before us, with which he has favored the committee from time to time. He speaks the language of the experts, and on many occasions has rendered exceptional service to the committee in framing legislation in this particular field. I am very certain that all members of the committee regret very much his retiring from the Congress. [Applause.]

Mr. SIROVICH. Will the gentleman yield?

Mr. MENGES. I yield.

Mr. SIROVICH. When this oil is collected is it sterilized or boiled at all?

Mr. MENGES. No. It is shipped as it comes out of the vessel, and is refined in the countries to which it is shipped in such a way as to qualify it for the use which is to be made of it.

Quoting further from the Condensed Chemical Dictionary compiled by the Chemical Engineering Society, page 345, palm oil is described as a—

fixed, reddish-yellow fatty oil of butter-like consistency, faint violet odor which is conveyed to the soap made from the oil. Chief constituents: Free palmitic acid, 12 per cent in fresh oil to 55 per cent in older oil, glycerides of palmitic and oleic acids, stearic derived by expression from the putrified or fermented pulp of the fruit of the palm.

The best grades of oil come from Lagos, Loam, Nigeria, South America, Liberia, and Sierra Leone. Soft oils are those low in fatty acid, whereas hard oils are those high in fatty acid.

The specific gravity of palm oil is 0.92 to 0.927, melting point 27° to 42.5° C., or from 82° to 108° F.

IN COMPARISON WITH THIS FAT

The fat of butter consists of about 45.5 per cent of butter oil and 54.5 per cent of solid fat. It is usually stated to consist of a mixture of the glycerides of the fatty acids, palmitic, stearic, and oleic—not soluble in water and also of the glycerides of certain soluble and volatile fatty acids, principally butyric, with small quantities of caproic, caprylic, and capric acids. It is the association of about 7.8 per cent of the triglycerides of these soluble volatile acids with the glycerides of the insoluble acids which give to butterfat its peculiar and distinctive character. It is very probable that stearin, palmitin, butyrin, and caproin do not exist in butter, their place being taken by more complicated glycerides, the glycerine being combined with two or three different acids. The general composition of butterfat as usually stated is as follows: Olein, 42.21 per cent cent; stearin and palmitin, 50 per cent; butyrin, 4.6 per cent; caproin, 3.02 per cent; caprylin and rutin, 0.10 per cent. No such composition has ever been concocted by human ingenuity. An especial effort is now being made by the manufacturers of oleomargarine to imitate butter by coloring their product with the natural palm oil—they can then say this is a naturally colored product and therefore complies with the law. The addition of palm oil, which is of vegetable origin, to oleomargarine, when added to color the product—and there can be no other reason for adding the oil, for it does not improve the product for edible purposes nor does it supply the coloring matter, carotin, which contains vitamin A, which would have nutritive value were it present—is certainly an artificial means of coloring the product and therefore illegal.

Dr. E. V. McCollum, of Johns Hopkins University, in his testimony before the committee, says:

> Out of all the nutritional experiments of the last 25 years have come a knowledge of quality foods, which show us what foods and in what combination and in approximately what proportion will induce growth in the young and the maintenance of normal health in the adult. We visualize now, those of us who speak of nutrition in terms of chemistry, the diet in terms of approximately 35 substances. Seventeen or eighteen of those come from the proteins, substances contained in meat, white of egg, and various other goods; 11 are inorganic or mineral elements, one is sugar which comes from starch foods or any foods which may come from cane sugar, milk sugar, and so forth. At least six, and perhaps there may be more, are substances which we collectively designate as vitamins. The research is still in progress in that field, but we know that there are at least six of those principles, three of which are derived from fats which are soluble in fats and three not from fats. * * * It happens that there are no vegetable fats that contain vitamin A in any considerable amount.

He further states in speaking of the relative value of butter and butter substitutes so far as their vitamin content is concerned—

> All butter substitutes, so far as I am aware, are distinctly inferior to even a low-grade butter. * * * They are not positively harmful. Any detrimental influence on health would be due to an absence of a quality which butter would provide.

Doctor McCollum in elaborating on vitamin A which is contained in butter, says:

> I am familiar with what has been written about palm oil, and I believe your question calls for this much comment on my part, namely, that the yellow pigment in certain plants, which is either the mother substance of vitamin A—that is, it is converted in the body into vitamin A—or which always accompanies that vitamin, is a substance known as carotin; that is, the yellow pigment of carrots; it is the yellow pigment in green leaves, which is not visible, because the green masks it. But there are a number of other yellow coloring matters which occur in plants. One of these is xanthrophyll; another is cycopin. The yellow color, or at least almost all of the yellow color, in palm oil is cycopin and not carotin, the mother substance of vitamin A.

It is evident that neither in chemical composition nor in vitamin content are these butter substitutes comparable to the real substance butter so far as nutritive value in the human diet is concerned.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SABATH. Mr. Chairman and gentlemen, I do not want to detain the committee. I fully appreciate conditions. I have never done it before, and I am not going to do it now, but before we start to read the bill I just want to make one observation. I want to talk to the representatives of the farmers. I think they are making a great mistake in forcing this and similar legislation through the House. I think they are pursuing a shortsighted policy. I am with the farmers. I know their needs; I know their hardships; I know their sufferings and their losses. I myself have perhaps lost more in farming than any other man in this House. So I know. What I believe the farmers should do to relieve their condition is to take the advice of people who have studied conditions and stop producing more than the country can consume. Why do they continuously grow and produce more than the country can possibly consume? When they determine to curtail production, and not until then, will conditions improve. As one who is for the farmers and has the interest of the farmers at heart, to the same extent that he has the interest of the people he directly represents, I advise them to reduce production. For the benefit of the farmers and for the benefit of the Nation I plead with them to follow that advice.

If the farmers are prosperous, the Nation is prosperous, and the people in the cities are prosperous. In the interest of the farmers I say, yield; do not go on foolishly and put in more wheat, more corn, and more of every other product than the country can possibly consume. And, gentlemen, that applies to butter just as well as it applies to anything else. This kind of legislation will not relieve you nor help you. The price of butter is not due to the large consumption of butterine but to an overproduction, which, as I stated before, is due to the conditions existing in the country at the present time and which have resulted in low market values of all other products.

I am going to conclude, and all I wish to say is this: I hope all of you who directly represent the farmers will advise them and their organizations to listen to sound advice and to desist in their demands for special legislation to relieve the conditions in which they find themselves so long as they continue to create such conditions which legislation can not cure without thereby injuring others. It is well, also, to bear in mind that the people in the cities are equally, as well as those on the farms, entitled to some consideration, attention, and relief at the hands of Congress, which to date has continuously been denied to them.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. SELVIG].

Mr. SELVIG. Mr. Chairman, the bill that the House of Representatives is considering to-day proposes to change the basis for applying the tax of 10 cents a pound and the tax of one-quarter cent a pound on oleomargarine levied by the act of August 2, 1886, and succeeding amendments. Under the law as it now stands the 10-cent tax is levied on oleomargarine artificially colored so as to cause it to look like butter of any shade of yellow, while other oleomargarine is subject to the one-quarter cent tax.

The pending bill proposes to change the basis for the application of these taxes by making the distinction rest solely upon the color of the oleomargarine whether or not the result of "artificial coloration." This bill proposes to tax yellow oleomargarine 10 cents a pound and oleomargarine which is not yellow one-quarter cent a pound. To secure accuracy and definiteness of meaning, a scientific color test, used successfully by the State of Pennsylvania, is provided by the bill.

At the hearings on this bill ample and conclusive evidence was presented to justify enactment of this measure. I do not intend to go into details regarding the facts presented nor to enlarge upon the situation which confronts the producers of butter and the vast number of consumers whose interests this bill seeks to protect.

I wish, however, to call to the attention of the House the fact that when the oleomargarine act of 1902, known as the Grout Act, was passed, it was clearly the intention of Congress to tax all yellow-colored oleomargarine 10 cents per pound. The bill as it passed the House provided—

> When oleomargarine is free from coloration or ingredients that cause it to look like butter of any shade of yellow the tax shall be one-fourth of 1 cent per pound.

The Senate adopted an amendment striking out the words "or ingredients" and inserted the word "artificial." The

act then assessed a tax of 10 cents per pound upon oleomargarine, but provided—

When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow said tax shall be one-fourth of 1 cent per pound.

Mr. Henry, of Connecticut, chairman of the House Committee on Agriculture in 1902, recommended the acceptance of this provision with this statement:

Inasmuch as it is not the purpose of this legislation to oppress a legitimate industry, this contention is conceded, and all the more willingly because, so far as we have knowledge, no practical method has been devised for making oleomargarine in the semblance of yellow butter without the addition of some artificial color, and it is not believed that oleomargarine can be given a considerable or even a very perceptible shade of yellow by the use of any known ingredient. It is sometimes claimed that cream or butter may be successfully used, but this is manifestly impracticable, although it is barely possible that June butter made when grasses are fresh and sweet, might, if a sufficent quantity is used, give the mixed product a slight yellow shade; but the high cost of this ingredient will prevent its use, except perhaps to a very limited extent, in a high-grade article, too expensive for general consumption when sold as oleomargarine. It may be further said that if time and experience demonstrate that oleomargarine can be colored in the semblance of yellow butter by the use of some newly discovered and available ingredient, this defect in the law can be corrected by future legislation.

Your attention is respectfully called to Mr. Henry's statement. Note that the suggestion was made in 1902 that "This defect in the law can be corrected by future legislation."

The first instance of avoiding payment of the 10-cent-a-pound tax occurred when oleomargarine manufacturers succeeded in making a limited quantity of a yellow product by the selection of the highly colored body fats of old dairy cows of certain breeds which were sent to packing houses for slaughter. The supply of this yellow oleo oil is in the control of the great meat packers, and no definite information is available as to the exact number of pounds of colored oleomargarine made from this source.

The magic of chemistry stepped into the picture recently when a process was discovered whereby palm oil can be refined so that its flavor is palatable and its color is a deep yellow. This marks a most serious breakdown of the law. Then followed on November 12, 1930, a day of deepest gloom for the dairy farmers unless the pending bill is enacted into law, the order by the Commissioner of Internal Revenue, holding that unbleached palm oil may be used in coloring oleomargarine to imitate butter without subjecting the finished product to tax at the rate of 10 cents per pound.

The evidence shows that palm oil exists in quantities sufficient to color more oleomargarine than is now manufactured. Since its use is permitted, under the ruling of the Commissioner of Internal Revenue, unlimited quantities of colored oleomargarine can be made by the use of palm oil as a natural ingredient, and the product will be subject to the one-fourth of 1 cent per pound tax. This completely nullifies the intent and purpose of the Congress in passage of the Grout Act of 1902.

Evidence presented to the Committee on Agriculture, which reported this bill, shows that the material used in oleomargarine produced by the formula containing animal fats costs 9 cents per pound. For the materials used in oleomargarine produced by the formula containing vegetable oils, the cost is 6.8 cents per pound for the raw materials.

The cost of producing butter, according to figures furnished a year ago by Dr. O. E. Reed, Chief of the Bureau of Dairy Industry, averaged 39 cents per pound of butter. Costs of producing butter may have decreased slightly in the meantime, but not materially.

It requires no prophetic insight to realize that the untaxed sale of yellow oleomargarine, colored to imitate butter, costing as it does less than one-fourth the cost of dairy butter, will drive dairy farmers out of business.

I have repeatedly, both upon the floor of the House and in speeches given in my district, pointed out that the vegetable-oil menace—referring chiefly to the duty-free imports of vegetable oil—threatens the very foundation upon which our dairy and livestock farmers now exist. These imported fats and oils, and particularly duty-free vegetable oils, present a problem to American agriculture that must be met by protective legislative action if our American agriculture is to be maintained.

This bill is a step in the right direction, but a considerable field of necessary legislation, especially in amending our present tariff law, must be enacted before this problem is solved.

The bill under consideration to-day proposes to use the taxing power of the Federal Government to prevent fraud.

It is the contention of the dairy industry that yellow is the natural color of butter and that oleomargarine manufacturers desire to color their product yellow for the purpose of imitating butter so that it will be used in larger quantities in place of butter, and its market be, therefore, largely increased. It is the purpose of the 10-cent tax to discourage this fraudulent imitation and to cause oleomargarine to be sold in its proper guise. This has been the policy of our Government for nearly 30 years, and this bill simply meets new conditions which have developed.

The opponents of this bill would have you believe that oleomargarine "is like butter" and is "just as nutritious as butter," quoting from the statement made by the gentleman from Maryland [Mr. LINTHICUM] when he appeared against the rule for considering this bill.

There is absolutely nothing in the contention that people who wish to use oleomargarine will be deprived of that privilege. They can buy it and use it but it will be sold for what it is, that is, oleomargarine, and not under the deceptive sales talk of being substitute for butter.

A certain minimum of color in oleomargarine will be permitted under the provisions of this bill. The limit is 1.6° yellow as measured on the Lovibond tintometer, but beyond that the 10-cent tax applies.

It is unnecessary at this stage of tne discussion this afternoon to elaborate in refutation against the contention that oleomargarine is just as nutritious as butter. The studies made by Dr. E. V. McCollum, of Johns Hopkins University, and Dr. Walter H. Eddy, of Columbia University, are in complete agreement as to the high-vitamin content of butter and its superior value as a food. This evidence is so inclusive and conclusive that there can be no argument upon this point at all.

Time does not permit an extended discussion of other important points. Permit me, in concluding, to summarize the reasons why this bill should be passed.

First, this bill remedies the amendment placed in the original act when the word "artificial" was inserted in place of the original words "or ingredients."

Second, this bill meets the present situation caused by the recent Burnett palm-oil ruling.

Third, this bill protects the consumers from buying as butter a class of goods that is not butter at all, but is made to look, taste, and smell like butter in order to increase the sales.

Fourth, this bill safeguards producers of butter from unfair competition.

Fifth, this bill reinforces the universally accepted fact that butter as a food is in a class by itself. Its enactment will tax the sale of an imitation product offered as a substitute for butter.

Sixth, this bill does not hamper the uncolored-oleomargarine industry.

Seventh, this bill simplifies the administration of the oleomargarine law, as testified by the Secretary of the Treasury.

Eighth, this bill, because it protects the buying public and safeguards the dairying industry, has the support of eminent food and health experts who have given this subject lifelong study. It is conceded that there is no substitute for butter, which is considered by all to be one of our most valuable foods with its abundant health-giving vitamins.

Ninth, this bill coupled with needed tariff protection against duty-free vegetable, marine, and animal fats and oils imports will go a long way in safeguarding the dairying industry from impending ruin.

Tenth, this bill gives aid and encouragement to our dairy farmers whose costs are high and whose incomes have been

greatly reduced by the prevailing low prices. Livestock farming is fundamental to our continued growth and progress as a Nation. The present low price of butter is due in part to the unfair competition of colored butter substitutes which are widely advertised as being as good and as nutritious a spread as butter.

Eleventh, this bill gives a measure of farm relief, a problem Congress and the country have been struggling with during the past 10 years. The bill attacks an urgent problem and should be speedily enacted. [Applause.]

Mr. HAUGEN. Mr. Chairman, ladies and gentlemen of the committee, oleomargarine is an old bedfellow of mine. I had a long speech in my system, which I had in mind inflicting upon the membership of the committee, but only a few days remain of this session of the Congress, and I appreciate that if this bill is to pass this session time will not permit of long debate, and, as the bill has been discussed in considerable detail, I shall therefore be brief.

H. R. 16836 is to amend the so-called oleomargarine act to regulate the marketing and sale of oleomargarine, approved August 2, 1886, as amended.

Under the present law only oleomargarine artificially colored is subject to the 10-cent tax.

Under the recent ruling of the Commissioner of Internal Revenue the use of ingredients naturally yellow in color, such as palm oil, is permitted and not subject to the 10-cent tax.

Its purpose, first, is to definitely fix a standard of coloration of oleomargarine; second, to prescribe a method for the determination of color; and, third, to fix the limit of coloration of oleomargarine subject to the 10-cent tax.

In determining or measuring the color prescribed under the act a simple and inexpensive device—the Lovibond tintometer scale—is to be used.

In other words, the color of 1.6° yellow shall determine the rate of taxation. If less than 1.6°, the tax shall be one-fourth cent, and if in excess of 1.6° the tax shall be 10 cents.

The present tax on artificially colored oleomargarine is 10 cents, and the tax on uncolored oleomargarine is one-fourth cent per pound. Hence no change in the present rate of tax.

The bill in section 8, page 2, line 12, provides as follows:

Upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax at the rate of one-fourth of 1 cent per pound, to be paid by the manufacturer thereof; except that such tax shall be at the rate of 10 cents per pound in the case of oleomargarine which is yellow in color.

In section 8 (b) the bill provides:

Oleomargarine shall be held to be yellow in color when it has a tint or shade containing more than 1.6° of yellow, or of yellow and red collectively, but with an excess of yellow over red, measured in the terms of the Lovibond tintometer scale or its equivalent.

Why the proposed change?

At the time of the passage of the Grout Act in 1902 it was clearly the intent of Congress to tax all yellow-colored oleomargarine. As far as known at that time, no practical method had been devised for making oleomargarine in the semblance of yellow butter without the addition of some artificial coloring.

Recently a process has been discovered whereby palm oil can be refined so as to produce its color a deep yellow.

Commissioner of Internal Revenue David Burnet on November 12, 1930, ruled and now holds that the unbleached palm oil free from artificial coloration when used in substantial quantities in relation to other ingredients may be used in the manufacture of oleomargarine otherwise free from artificial coloration without subjecting the finished product to tax at the rate of 10 cents per pound.

The new discovery of unbleached palm oil necessitates the fixing of definite standard of color to carry out the purposes and intent of the act.

Why is oleomargarine colored yellow?

The answer is "the natural color of butter is yellow." Evidently the purpose of coloration is to make it look like butter, thus enabling the dishonest merchant to sell it—not as oleomargarine, but sell it as butter.

It is generally agreed that butter is far superior to oleomargarine or any substitute as food. Dr. E. V. McCollum, of Johns Hopkins University, who appeared before the committee, stated:

I say that all butter substitutes, so far as I am aware, are distinctly inferior to even a low-grade butter.

Doctor McCollum, speaking of oleomargarine made to imitate butter in color and texture, stated:

I think it would be a step in the wrong direction from the standpoint of maintenance of the Nation's health that any invasion of so precious a product as butter or any other dairy product should be so marked.

It is regrettable that not only the innocent purchaser is imposed upon, deceived, and made to pay butter prices for the inferior food product; unfortunately, in many instances, it is substituted for butter to patients in hospitals; and the astonishing fact is that the Federal Government supplies it in hospitals, asylums, and other Government institutions, as indicated in public document placed in the CONGRESSIONAL RECORD by Senator BLAINE, of Wisconsin, pages 7540–7541 CONGRESSIONAL RECORD of April 17, 1930:

For the year ending June 30, 1929, in St. Elizabeths Hospital, Washington, D. C., 121,297 pounds of oleomargarine were used, when no butter was used.

Army Hospital, Hot Springs, Ark., and Army Hospital, San Francisco, Calif., 133,169 pounds of oleomargarine were used, as against 54,944 pounds of butter.

For approximately 11 months, ending April 30, 1929, in national soldiers' homes, 502,407 pounds of oleomargarine were used, as compared with 91,356 pounds of butter.

For the period April, 1927, to March, 1928, in various United States Veterans' Bureau hospitals, 157,073 pounds of oleomargarine were used as compared with 979,918 pounds of butter.

For the year ending October 31, 1929, in United States prisons, 196,627 pounds of oleomargarine were used as compared with 20,139 pounds of butter.

The contention all these years has been to prevent the coloration of oleomargarine so as to imitate butter, to thus prevent fraud and deception. It is needless to say that when oleomargarine, inferior as a food product, is sold as butter it deprives the producer of a legitimate market and the consumer of the difference in value in dollars and cents. It is unfair, unjust competition.

In my opinion, counterfeiting should not be permitted in gold butter any more than in gold dollars.

The Clerk read as follows:

Be it enacted, etc., That the second paragraph of section 3 of the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended (U. S. C., title 26, sec. 207), is amended to read as follows:

"And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, who shall add to or mix with such oleomargarine any substance which causes such oleomargarine to be yellow in color, determined as provided in subsection (b) of section 8, shall also be held to be a manufacturer of oleomargarine within the meaning of this act and subject to the provisions thereof."

Mr. SABATH. Mr. Chairman, I move to strike out the words "or furnishes," in line 1, page 2.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SABATH: Page 2, line 1, strike out the words "or furnishes."

Mr. SABATH. Mr. Chairman, I honestly feel that those words should be eliminated because I think they go altogether too far. Many a housewife may furnish to her neighbor a little of the butterine which she may make in her home, and if she does she will be subject to the penalties and provisions of this law. I believe those words should be stricken out of the bill.

Mr. DAVIS. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. DAVIS. If the gentleman's amendment is adopted, I want to ask the gentleman if it is not entirely possible and probable that they could get around this provision by giving a pound of oleomargarine with a dollar's worth of goods, or any amount of goods? In other words, they could furnish it without its constituting a sale, and that could be done by

a merchant and not by a housewife furnishing a little oleomargarine to her neighbor, as the gentleman suggests.

Mr. SABATH. No; I do not think so. Let us read this provision:

> And any person that sells, vends, or furnishes oleomargarine for use and consumption of others.

I say a neighbor of mine may let me have a half pound of butterine and can thereupon be reported and subjected to the provisions of this law. I think the language is farfetched and should be eliminated. This is my candid opinion.

Mr. ANDRESEN. Mr. Chairman, I rise in opposition to the amendment. The amendment should be defeated.

The word "furnishes" refers to restaurant keepers, hotel keepers, boarding-house keepers, and anyone who serves food for sale where they do not sell the commodity directly. For this reason the amendment should be defeated. There is where the big fraud is practiced in many instances by furnishing oleomargarine instead of butter.

The dairy industry is the largest single agricultural industry in the United States. According to figures submitted to our committee there are more than one and one-half million farmers selling milk off their farms for human consumption. These farmers are located in every State of the Union. They own over thirty-three and one-half million dairy cattle, which includes nearly 22,000,000 milch cows. The value of the milch cows alone is approximately $1,848,000,000. These cows produce approximately 130,000,000,000 pounds of milk with an annual farm value of nearly $3,000,000,000.

According to figures submitted by the Census Bureau for 1927, the number of establishments engaged exclusively in the manufacture of oleomargarine was 36. They produced 65 per cent of the product. They employed 1,502 wage earners, who received $2,258,464 in wages that year. The balance of the production is distributed amongst the packers of meat and a few miscellaneous industries.

Approximately 10,000,000 farm families are dependent directly upon the dairy industry, and another 10,000,000 persons residing in rural cities and villages are dependent, both directly and indirectly, upon the success and prosperity of the dairy farms.

I will not discuss the relative food value of butter as compared with oleomargarine with the exception to state that all experts and dietitians agree that no manufactured product will compare in nutritive value with the products of the good old dairy cow.

During the past 50 years a decided conflict has arisen in this and other countries between butter and artificially produced products made to look and taste like butter. Legislation has been enacted to protect the public against fraud on account of deceptive practice in the sale of such manufactured products.

In the early eighties legislation was passed by Congress which placed a tax upon oleomargarine having yellow color. The law was amended in 1902 by placing a 10 cents per pound tax on all artificially colored oleomargarine, and a quarter of a cent a pound tax on uncolored oleomargarine. Laws were enacted by the legislatures in the various States of the Union to protect the product of the dairy cow as against oleomargarine.

In the beginning oleomargarine was principally manufactured from domestically produced products, such as cottonseed oil, lard, milk, and peanut oil. This situation has now changed and the domestically produced fats and oils are being rapidly displaced by imported fats and oils, such as coconut oil and palm oil.

In 1930 there was imported into the United States 287,492,580 pounds of palm oil, having a value of $16,326,853. Coconut oil was imported in the amount of 317,919,253 pounds for oleo, having a value of $19,901,053.

These foreign oils and fats are cheaply produced in the Philippines, East Indies, and Africa, and the manufacturers of oleomargarine have naturally drifted away from the higher-priced fats and oils produced in this country.

It is interesting to note the difference in cost of production of oleomargarine and butter. I wish to cite two standard formulas used in the manufacture of oleomargarine; one using animal fat and the other vegetable oils.

Oleomargarine formula containing animal fats:

450 pounds oleo oil, at 8.875 cents	$39.94
350 pounds neutral lard, at 11.75 cents	41.13
100 pounds cottonseed oil, at 7.10 cents	7.10
100 pounds palm oil, at 8.50 cents	8.50
300 pounds milk, at 2 cents	6.00
35 pounds salt, at 1 cent	.35
The total cost of ingredients is	103.02

Oleomargarine formula containing vegetable oils:

800 pounds coconut oil, at 6.50 cents	$52.00
100 pounds peanut oil, at 12 cents	12.00
100 pounds palm oil, at 8.50 cents	8.50
300 pounds milk, at 2 cents	6.00
35 pounds salt, at 1 cent	.35
	78.85

The total cost of 1,150 pounds of material of the animal-fat formula cost $103.02, or 9 cents per pound cost of material for each pound of oleomargarine. The cost of the same quantity of oleo containing vegetable oils amounts to $78.85, or 6.8 cents per pound for raw materials for each pound of vegetable-oil oleomargarine.

The Department of Agriculture has carefully estimated the cost of the manufacture of butter to be 39 cents per pound. This cost will probably vary with each farmer, depending upon cost of feed and efficiency in production.

According to a table furnished by the Department of Agriculture, the cost ranges from 32 cents to 71 cents per pound.

Records from testing year 1928–29

Number of records	Butterfat group, pounds	Feed cost per pound of butterfat	Feed cost per pound of butter	Total cost per pound of butter
2,129	100	$0.49	$0.39	$0.71
8,569	150	.37	.30	.54
44,607	200	.32	.26	.47
42,983	250	.29	.23	.42
47,420	300	.26	.21	.38
35,289	350	.24	.19	.35
19,719	400	.23	.18	.33
8,482	450	.22	.18	.32
3,222	500	.22	.18	.32

NOTE.—According to latest estimates the average cow in the United States produces approximately 4,600 pounds of milk containing 180 pounds of butterfat per year. The figures shown in this table are for cows producing from 100 to 500 pounds of butterfat per year—as obtained from records of Dairy Herd Improvement Associations for 1928–29. Records from this source give cost of feed only. Other production costs such as labor and overhead are based upon studies made in the Bureau of Dairy Industry and in the Bureau of Agricultural Economics of the United States Department of Agriculture.

At the present time the dairy farmers of the country receive approximately 12 cents per pound under the cost of production. As a consequence thousands of dairy farmers are financially distressed, and are forced out of their industry. In my opinion oleomargarine has never been sold at a loss to the manufacturers comparable with the loss now sustained by the dairy farmers.

Early in the month of November, 1930, the dairy farmers of Minnesota received approximately 40 cents per pound for butterfat. Prior to the depression in 1929 the farmers received up to 55 cents per pound for butterfat. On November 12, 1930, the Commissioner of Internal Revenue issued a ruling to the effect that palm oil could be used as an ingredient in the manufacture of oleomargarine without the payment of the 10 cents per pound tax. The use of palm oil in oleo gives the ordinarily white product a yellow color which looks like butter, and a flavoring which makes it taste like butter. As soon as the ruling went into effect the price of butterfat started on its downward trend from 40 cents per pound until to-day it stands at approximately 25 cents per pound to the average dairy farmer. No industry engaged in the manufacture of the necessities of life has suffered a similar drop in price.

The dairy industry has been cut from a $3,000,000,000 business to approximately one and one-third billion.

The passage of this bill will, in a measure, help to preserve an American market for the dairy farmers of this country, without injuring those who desire to use oleomargarine in their homes.

The natural color of oleomargarine is white. No food value is added by coloration to make it look like butter. The price of natural oleomargarine is around 13 cents per pound. The price of yellow oleomargarine is from 20 to 25 cents per pound. Those who desire to use colored oleo can buy the white product and secure with it artificial color to make it look like butter without paying the extra price for the colored oleo in order to imagine that they are eating dairy butter. The dairy farmers of the country are entitled to the protection afforded in this bill. If the enactment of this measure will contribute to the restoration of the purchasing power of the dairy farmer's dollar, it will be reflected to every branch of economic activity in this country.

The question for us to answer is very plain: Shall we stand by the 10,000,000 people directly dependent upon the dairy industry, or shall we support a program advocated by a limited few who are interested in substituting a cheaply produced product made largely from imported materials for the products of the American dairy cow?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. SABATH].

The amendment was rejected.

Mr. BOYLAN. Mr. Chairman, I move to strike out the last two words.

I just want to take a minute to clear up a misapprehension. During my remarks I spoke about two butter counterfeits. One of the gentlemen who followed me said that if there is to be a comparison between the cow and the oil he was for the cow. The gentleman evidently misunderstood my remarks, and I want to clarify them in the RECORD by saying that in speaking of these two counterfeits I had reference, first, to the counterfeit known as oleomargarine formula containing animal fats, counterfeit No. 1; and that counterfeit No. 2 is oleomargarine formula containing vegetable oils. I did not compare the oil with the cow. I merely compared the two forms of oleomargarine designated by me as counterfeit No. 1 and counterfeit No. 2.

I have the greatest respect in the world for the cow. I like the milk of the cow and the dairy products made from it. I am with the farmer; my only regret is that the farmers will not combine and endeavor to have the law permitting the manufacture and sale of all butter substitutes repealed. [Applause.]

Mr. STRONG of Kansas. Mr. Chairman, I rise in opposition to the pro forma amendment. I move to strike out the last word at the end of line 14 on page 3.

The passage of this bill (H. R. 16836) through Congress will not increase the tax on oleomargarine that has existed in the past nor will it change the law regarding oleomargarine from what Congress intended when the same was passed. Its sole purpose is to carry out the intention of existing law which has been set aside by the ruling of the Internal Revenue Commissioner.

Unless H. R. 16836 is passed, coconut oil and palm oil, neither of which is produced in the United States and both of which are admitted without payment of duty, will become practically the sole ingredients of oleomargarine, eliminating the use of animal fats, cottonseed, peanut, and soybean oils.

There is no objection to the manufacture of oleomargarine if it is not made and sold to the public as butter, but it is being so sold. Salesmen of oleomargarine are calling attention to the fact that "oleomargarine as now manufactured and colored looks like butter, tastes like butter, and spreads like butter; and when taken from the packages, which are similar to those of butter, it can not be told from butter under ordinary conditions and can be sold for much less than the cost of producing real butter." The result will be that hotels, restaurants, boarding houses, and railroads will be induced to perpetrate this fraud upon those who desire and believe they are being served the health-giving qualities of real butter, and the dairy industry will be destroyed.

The claim that people who desire to use oleomargarine because of its lower price will be forced to pay the tax of 10 cents a pound is untrue, for the tax of one-fourth cent a pound, which uncolored oleomargarine has carried in the past, will not be increased under the passage of this bill, whose sole purpose is to protect those who produce real butter and the public from having an article sold as butter that is not butter.

The appeal to cotton producers because of the use in the past of cottonseed oil as an ingredient in making oleomargarine does not now apply, since palm oil is cheaper and used with coconut oil creates a substance more nearly resembling butter.

For many years the Department of Agriculture and agricultural colleges of the different States have been urging diversified farming and pointing out that though the milking and caring for cows meant hard work and long hours, that it would insure a fair return to those who would engage in it, with the result that millions of farmers in over half the States of the Union have invested millions of dollars in dairy herds, which they have striven constantly to improve. For the last year depressed prices for butter have forced the dairying industry to carry on with little or no profit. Since the recent decision of the Internal Revenue Commissioner permits oleomargarine, colored to look like butter, to be sold without the oleomargarine tax it has paid for years, the price of butter has fallen to where dairying is being carried on at a loss, and unless some relief from the sale of imitation butter is secured this great industry will be destroyed.

I present the following telegrams from my State with regard to the passage of this very much needed legislation:

TOPEKA, KANS., *February 25, 1931.*

Hon. JAMES G. STRONG:

We earnestly ask that the Brigham bill pass both House and Senate this session.

HOLSTEIN FRIESIAN ASSOCIATION OF KANSAS.

TOPEKA, KANS., *February 25, 1931.*

JAMES G. STRONG,

House of Representatives:

Kansas Legislature passed resolution favoring Brigham bill. Copies mailed Members.

L. E. SAWIN.

I now withdraw my pro forma amendment.

Mr. COLLINS. Mr. Chairman, I make the point there is not a quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point of order there is not a quorum present. The Chair will count. [After counting.] One hundred and one Members present, a quorum.

The Clerk read as follows:

SEC. 2. Section 8 of such act of August 2, 1886, as amended (U. S. C., title 26, sec. 546), is amended to read as follows:

"SEC. 8. (a) Upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax at the rate of one-fourth of 1 cent per pound, to be paid by the manufacturer thereof; except that such tax shall be at the rate of 10 cents per pound in the case of oleomargarine which is yellow in color.

"(b) For the purposes of subsection (a) and of section 3, oleomargarine shall be held to be yellow in color when it has a tint or shade containing more than 1.6° of yellow, or of yellow and red collectively, but with an excess of yellow over red, measured in the terms of the Lovibond tintometer scale or its equivalent. Such measurements shall be made under regulation prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and such regulations shall provide that the measurements shall be applied in such manner and under such conditions as will, in the opinion of the commissioner, insure as nearly as practicable that the result of the measurement will show the color of the oleomargarine under the conditions under which it is customarily offered for sale to the consumer.

"(c) The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section."

Mr. SABATH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SABATH: On page 2, starting in line 21, after the word "containing," strike out the words "more than one and six-tenths degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red," and insert "more than four degrees of yellow or of yellow and red collectively."

Mr. HAUGEN. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 16836) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, had come to no resolution thereon.

Mr. PURNELL. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to revise and extend their remarks on this bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WILLIAM E. HULL. Mr. Speaker, I rise to indorse H. R. 16836, known as the Brigham bill, a bill to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine."

It goes without saying that butter is one of the principal products of agriculture. As far as I can see, there has been no good reason for a substitute, because butter sells at a price that the average person can afford to pay, and at the present time it has a very low price.

It is necessary to protect this product in order to keep the price within the reach of the workingman. If you destroy butter making in this country, as you naturally will if the price is so low that the farmer can not make the butter, then you will be obliged to rely upon substitutes. I think this bill will, in a measure, give protection to the dairying of the country, and I desire at this time to quote a letter from a boy only 12 years old, but it speaks more to the point than any statement that I can make:

HENNEPIN, ILL., *February 9, 1931.*

Hon. WILLIAM E. HULL,
Washington, D. C.

DEAR MR. HULL: I would like to have you vote for the Brigham bill so as to help stop the sale of colored oleomargarine.

For the past three years I have been in 4-H club work with Jersey heifers as my project. I have paid a big price for my foundation stock and hoped to be able to pay for them from my cream checks. I can not do this with cream at the present prices.

I am 12 years old and a grandson of P. M. Morine.

Your friend,

HAROLD MORINE, Jr.

Mr. HALL of North Dakota. Mr. Speaker, under leave to extend remarks on this bill, I am pleased to indorse this bill on a subject which has had long and careful study before the Committee on Agriculture, of which I am a member.

For more than 50 years the dairymen and farmers of the United States have been contending with substitute products to take the place of the products of the dairy. We are not contending that margarine is not a wholesome food product but we do contend that the coloring of it to take on the semblance of butter should not be permitted. The manufacturers insist that they have the right to make and sell this product without being hampered by any more regulations and excise taxes and that the American principle of equality of opportunity shall apply to them as it does to others in the manufacture of food products. We have no fault to find with them on this ground but we do insist that the coloring of a product so that it looks like butter and has the taste of butter, but which is not butter and does not have the food value of butter, is practicing a fraud upon the public.

The bill now before us, introduced by the gentleman from Vermont [Mr. BRIGHAM], proposes to make an important change in the taxing provision of the oleomargarine act, which was passed by the Congress in 1886, section 8 of which carries a provision which reads as follows:

When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow said tax shall be one-fourth of 1 cent per pound.

The amendment provided by this bill proposes a tax of 10 cents a pound on all colored oleomargarine to imitate butter, if the degree of color is greater than an established shade of yellow, whether the color is produced by natural ingredients or artificially; the degree of color to be established by the Lovibond tintometer scale, as measured by an instrument known as the Lovibond tintometer which has been in general use by the Dairy and Law Enforcement Department of the State of Pennsylvania for some years.

It will be recalled that the Congress amended the oleomargarine act of 1886 during the summer of 1930, as follows:

That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, fish oil, or fish fat, vegetable oil, annatto, and other coloring matter, intestinal fat, and offal fat; if (1) made in imitation or semblance of butter, or (2) calculated or intended to be sold as butter or for butter, or (3) churned, emulsified, or mixed in cream, milk, water, or other liquid, and containing moisture in excess of 1 per cent or common salt. This section shall not apply to puff-pastry shortening not churned or emulsified in milk or cream, and having a melting point of 118° F. or more, nor to any of the following containing condiments and spices: Salad dressings, mayonnaise dressings, or mayonnaise products, nor to liquid emulsion, pharmaceutical preparations, oil meals, liquid preservatives, illuminating oils, cleansing compounds, or flavoring compounds.

The act provided that this amendment should take effect 12 months after the date of its passage, which would make it effective July 1, 1931. It was the opinion of many that the oleomargarine question had been settled for a year or two. However, such was not the case, and the oleomargarine manufacturers embarked upon a program of search to find ingredients of a yellow color that could be used in the coloring of their product and which would escape the 10-cent tax provided for under the law.

They found such a product in palm oil, which is produced in certain parts of South America and Africa. Palm oil is used extensively in the tin-plate industry, and for many years it was not considered edible.

What is palm oil, anyway? Doctor MENGES, a respected member of the Committee on Agriculture, tells us that—

Palm oil is derived from the fruit of the palm, which consists of a fleshy outer layer like the olive, known as the pericarp, which surrounds a hard, woody shell, within which is the seed kernel. The outer or fleshy part contains 50 per cent of oil, while the kernel yields about 45 per cent. The palm oil derived from the pericarp is used largely in the soap and candle industry as well as in the manufacture of oleomargarine, while the oil derived from the kernel is used mostly in the manufacture of oleomargarine.

To separate the pericarp from the shell covering the seed the bunches of fruit are stored under cover from 7 to 14 days and by a slow-drying process the fruit is loosened from the stalks. The stalks are given a few sharp taps with a stick, when the ripe fruit drops off. After all the chaff has been removed from the fruit the fruit is shoveled into a canoe fittingly constructed and is tramped by the barefooted natives until the pericarp is completely removed from the shell of the kernel. This tramped mass is allowed to remain in the higher end of the canoe overnight; in the morning the oil of the pericarp has drained from the pulp and has run to the lower end of the vessels, and usually without further treatment is shipped largely to London, Hamburg, and to America.

During the past few years there has been a constant increase of coconut and other foreign oils used in the manufacture of oleomargarine with a corresponding decrease of cottonseed and peanut oil produced in this country. There is oil from the soybean used, but relatively a small amount, and oil from corn. But the reports show there has been a world-wide search made by the trade for an oil or fat that will furnish a yellow color—not for its food value, but because of its color—so as to make oleomargarine look like something it is not.

Soybean oil has been used to some extent but it has not been found wholly satisfactory because of its greenish tinge, and because the product when colored with soybean oil soon becomes rancid. There has been some attempts to use corn oil, but that, too, has been found to be unsatisfactory. In fact, the figures for 1929 show less than 500 pounds used that year. The trade wants yellow and they do not care what product furnishes it or where it comes from, and the food value cuts no figure, either. Why not color their product green or pink or a nice sky blue? Why not color it a rich chocolate brown? Why not cover their oleomargarine with an iced-chocolate casing like the Eskimo pies the youngsters like so well? Oh, no; they want their product to look like butter and to be used as butter—to look and taste like what it is not. They want to infringe on the trade-mark of the dairy cow by coloring the oil from a coconut to fool the cow's customers.

The trade reports the amount and value of the products used in the manufacture in 1930, as follows:

Principal food products used in the manufacture of margarine in the fiscal year 1930

	Pounds	Value
Beef fat	52,796,000	$4,757,640
Pork fat	19,632,000	2,257,680
Cottonseed oil	30,476,000	2,895,220
Coconut oil	185,066,000	14,805,280
Peanut oil	5,714,000	571,000
Soybean oil	910,000	72,800
Butter	2,616,000	1,151,040
Milk	97,753,000	1,955,060
Salt	28,890.000	866,700
Total		29,332,420

The report of the Internal Revenue Department gives the following:

Materials used in the manufacture of oleomargarine (colored and uncolored), year ended June 30, 1930

	Pounds
Butter	2,615,830
Coconut oil	185,066,163
Color	20,629
Corn oil	352
Cottonseed oil	30,213,562
Derivatives of glycerin	49,616
Edible tallow	16,013
Egg yolk	2,850
Lecithin	245
Letisene concentrate	183
Milk	97,752,761
Mustard oil	48,482
Neutral lard	19,631,839
Oleo oil	45,321,879
Oleo stearin	6,268,940
Oleo stock	1,188,962
Palm oil	1,101,996
Palm-kernel oil	2,644
Peanut oil	5,713,684
Salt	28,889,699
Sesame oil	871
Soda (benzoate of)	121,771
Soybean oil	618,945
Total	424,648,006

For some years wheat was North Dakota's principal cash crop, but our experiences since the World War have been many and bitter, and we have lost money every year in producing wheat, and our people have been forced into a diversified system whether they wanted to practice it or not, with the result that now my district produces more than 15,000,000 pounds of cream annually and its poultry products amount to almost as much in money value.

Butter was bringing 37 cents in the New York market on July 1, and in August it had reached 40 cents and continued for several weeks, but following the decision of the collector of internal revenue issued on the 12th of November permitting the use of palm oil in the manufacture of oleomargarine the market sagged day by day until it reached 27½ cents in December. It is estimated that the loss to the dairy industry through the decision of the Revenue Department from November 12 to January 17 amounts to fully $200,000,000, and the farmers of my district are protesting vigorously against the permitted use of palm oil without making it subject to the tax.

Dr. E. V. McCollum, of Johns Hopkins University, in testifying before our committee stated:

> Margarines have been made out of many different materials, mainly out of animal body fats and of vegetable fats, in the case of certain margarines; in the case of certain others very largely, if not exclusively, of vegetable fats. It happened that there are no vegetable fats which provide vitamin A in any considerable amount. There are a few that contain traces of it, but very little. Animal fats vary in respect to this peculiar quality of vitamin A content, which I shall stress, vary because the food of the animal producing the fats varies. If a hog is kept on alfalfa, rape, or clover pasture and eats very liberally of leaves his fat will contain a demonstrable but not a large quantity of vitamin A; in fact, it is always low.
>
> You can depend on this, that any white fat or any fat that is nearly white, is practically lacking in vitamin A, because that quality goes with yellowness in fats, but yellowness only of a certain origin, not all kinds of yellow, are indicative of the presence of that vitamin.
>
> The body fats, so far as assays have been made—and they are exceedingly numerous—are inferior to even a low-grade butter as a source of vitamin A. I can answer your question, therefore, with great confidence that I tell you the truth when I say that all butter substitutes, so far as I am aware, are distinctly inferior to even a low-grade butter.

Further along in the hearing I called attention to the daily dietary ration of the United States Army, in which soldiers are permitted one-fourth of an ounce of butter and oleomargarine, and I asked Doctor McCollum if he thought that amount was sufficient; to which the doctor replied that he did not think so.

Mr. Speaker, I feel that the passage of this bill is imperative if the men and women living on American farms are to be protected in their homes and industry, and the health of our people safeguarded and assured.

Mr. SLOAN. Mr. Speaker and Members of the House, I am pleased to see the farmers living along meridians of longitude united in support of this measure instead of only those along parallels of latitude. In other words, I am pleased to see the Members from the South recognizing the importance of the great American market, and especially the very large market for cotton products which has been established in the last few years in the Corn Belt, and which is mutually profitable to the South and the North.

In my two periods of service it has several times occurred that I should participate in legislation of an agricultural character, especially relating to the livestock interests. I have frequently taken occasion to say to my southern friends that both in meat production and in the products of the dairy the southern farmer has, if he makes the most of it, a great advantage, and that, too, over his northern friends. This is because your climate is milder, and your land, speaking generally, is not so high priced. You are relieved from the high cost of keeping the dairy warm, and that covers a considerable part of the season.

The recovery of livestock and dairy interests since the Civil War period has been slower than it should have been for perhaps many reasons, not necessary or profitable to recall or recite.

When the South does fully rise to its meat and milk production capacity the Corn Belt will have a competition legitimate and strong. We northern people can not protect ourselves against it, as we do now endeavor to do against the competition of Argentina, Canada, and Denmark. And it is well that it should be so. This measure is designed to protect us against a potent competition which we can defend against only by permitting the dissatisfied children of the Pacific to "depart in peace." And in so far as we can do so, and at such an early date as we may, I am in favor of that departure, and with it go my hearty good wishes and God speed.

Years ago men from the Southland said "cotton is king." We of the North demonstrated corn to be emperor of the soil. But now for corn and cotton there is a combination with the faithful cow, which produces the largest money crop of the Nation; 33⅓ per cent greater than hogs, 50 per cent greater than cotton. The phenomenal increase of milk products since the eighteenth amendment was passed has

reached a full saturation in this country. It is represented in brew of which not only the foam but the fluid is liquid pearl, but surpassing the beverage which "made Milwaukee famous," it has made all Wisconsin prosperous, and is a saving factor in many parts of this drought-stricken Nation.

I am in favor of levying such a tax on all yellow-colored oleomargarine, colored from whatever cause or source, as will make ineffective the unfair and unwarranted competition against the golden-colored product which belonged to man, through his faithful brute servants, long before copyrights, patent rights, or trade-marks were known to the world.

To effect this I am ready, as the humorous Congressman, Adam Bede, of a quarter of a century ago, suggested, that we trade the Philippine Islands to the British Empire for Ireland that we might then produce all our own policemen. The humor of the statement does not destroy its partial application now. We are not short on policemen, though the ones we have may be short in activity. To facilitate the trade I am willing to waive a quid pro quo and yield up our claim to the islands of the western sea, where its people are clamoring for an independence which I am inclined to think will be to their ultimate disadvantage, while to keep them would certainly be to our disadvantage.

Mr. KADING. Mr. Speaker, under leave to extend remarks on this bill, I would like to state my opinion as to what I believe the House should do with this proposed legislation.

Under the law as it has existed since 1886, a tax of one-fourth of 1 cent per pound is provided on all oleomargarine manufactured and sold, to be paid by the manufacturer, excepting that if any artificial coloration is used by the manufacturer to cause oleomargarine to look like butter of any shade of yellow, then a 10-cent tax on each pound is required.

Some months ago scientists discovered that by the use of a small portion of palm oil in the manufacture of oleomargarine, the color of the finished product of oleomargarine became that of yellow butter. The Commissioner of Internal Revenue ruled that since palm oil was not an artificial coloration, oleomargarine colored by the use of palm oil to resemble butter was not employing artificial coloration, and, therefore, such brand of oleomargarine was not subject to the 10 cents a pound tax, but merely to a one-fourth of 1 cent tax per pound.

The result of such ruling has meant a loss estimated to be $1,000,000 a day to the farmers and dairymen of the United States. From the latest figures available, my home State—Wisconsin—produces annually about 153,545,000 pounds of butter. If colored oleomargarine is permitted to compete with butter on a basis of only one-fourth of 1 cent a pound tax, and butter drops only 5 cents a pound as a result thereof, the loss to the farmers of Wisconsin alone would be $7,677,250 in one year.

Wisconsin ranks third in the United States in the amount of creamery butter produced, and this ruling on the part of the Commissioner of Internal Revenue is not only a great injustice to the farmers of my State, but to the farmers and dairy interests wherever they exist in the United States.

The farmer has suffered on account of large production of farm products, loss of a foreign market, decreased consumption, and falling prices for several years. The depression was felt by the farmers long before it affected business generally, and I believe that the general depression affecting all lines of business and labor, which came upon us so suddenly about 18 months ago, is due to the fact that the farmer has not been prospering. It has been seen for some time that in order to bring back general prosperity it is necessary that the condition of the farmer must be improved.

It is hard to legislate for the benefit of the farmer. Much legislation has been proposed, and some has been enacted into law, with the object in view of benefiting the farmer.

We have long adopted the policy of a protective tariff to protect the manufacturer, and, incidentally labor, by enabling the manufacturer to pay higher wages. The manufacturing and business interests are organized. Likewise labor is organized. The farmers because of their great number, thus far have not become organized. The farmer is not in a position to state what he wants for his produce. With him it is a proposition of what some one is willing to offer him for his produce. The farmer should also be protected if possible. By the passage of this bill a little protection will be given the farmer and the dairy interests.

If this bill is not passed and yellow-colored oleomargarine is permitted to be manufactured and sold without a 10-cent tax to the manufacturer, the public will be deceived. Such yellow-colored oleomargarine will be served as butter to the public, in hotels, restaurants, on trains, and elsewhere, which will mean an increased consumption of such yellow-colored oleomargarine and a decreased consumption of butter, and a fall in the price of butter.

A great deal has been said on the floor of the House that if this bill is passed it will destroy the oleomargarine industry. Such contention is absolutely unfounded. Ever since 1886, the 10-cent tax has been levied on oleomargarine artificially colored yellow so as to cause it to look like butter of any shade of yellow, while other uncolored oleomargarine has been only subject to the one-fourth-cent tax. This bill proposes to change the basis for the application of these taxes by making the distinction rest solely upon the color of the oleomargarine, whether or not the result of artificial coloration. The bill proposes to tax yellow oleomargarine 10 cents a pound and oleomargarine which is not yellow one-fourth of 1 cent a pound. The oleomargarine manufacturer may continue to manufacture his product just the same as in the past, the only difference being that if he uses any coloring material, whether natural or artificial, to cause oleomargarine to resemble butter in color, then he is required to pay 10 cents a pound tax on such brand of oleomargarine. There is nothing to prevent him from selling any of the brands of oleomargarine uncolored, with a tax of only one-fourth of 1 cent per pound applying, the same as he has done heretofore. There is nothing to prevent the manufacturer of oleomargarine from coloring his product any other color he may choose, green, red, or blue. The natural color of butter is yellow. This color in my opinion belongs to the farmer and the dairy interests as a natural patent or copyright on the natural color of butter produced by the cow on the farm.

This law is opposed principally by the oleomargarine manufacturers for the reason that such interests desire to have their substitute article represent the true article and thus deceive the public, to the detriment of the public and to the advantage of the oleomargarine manufacturers.

If this bill is not passed the consumer will also suffer, because the manufacturer will naturally add the 10 cents a pound tax to the cost of such brand of oleomargarine so colored to resemble butter, and pass such tax on to the consumer, in raising the price just that much.

If the housewife prefers to buy oleomargarine instead of butter, she should be at perfect liberty to do so and to know that she is buying oleomargarine. Should the housewife prefer to have her oleomargarine yellow in color, she may continue the practice of using the bean that the manufacturer and retailer furnishes free with each sale of oleomargarine, and color the same.

In 1886 when the existing law taxing oleomargarine was passed, it was clearly the intention of Congress that uncolored oleomargarine should bear a tax of one-fourth of 1 cent a pound, and that oleomargarine artificially colored so as to cause it to look like butter of any shade of yellow should bear a 10 cents a pound tax. At that time no process was known by which oleomargarine could be colored to resemble butter by the use of any natural product. Since then a natural product, namely, palm oil, has been found to "do the trick." This bill proposes only to meet the situation as it now exists.

Unless the farmer prospers, no one will prosper. Our general depression has been brought on to a large extent by the fact that the farmer has not been prospering. Here is an opportunity to give the farmer and the dairy interests a

small measure of protection. If we are sincere in our desire to help the farmer, we now have an opportunity.

I sincerely hope that this bill will pass the House and the Senate and be approved by the President before Congress adjourns on March 4.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the gentleman from New York [Mr. SNELL] to act as Speaker to-night.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendment to the bill (H. R. 16982) entitled "An act to authorize an appropriation to provide additional hospitals, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMOOT, Mr. WATSON, Mr. REED, Mr. HARRISON, and Mr. KING to be the conferees on the part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. LANHAM, at the request of Mr. JONES of Texas, on account of illness.

Mr. CHINDBLOM. Mr. Speaker, as an exceptional matter, I ask leave of absence for my colleague the gentleman from Illinois [Mr. SPROUL], beginning yesterday, indefinitely, on account of illness.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McKEOWN. Mr. Speaker, I ask unanimous consent for leave of absence, indefinitely, for the gentleman from Mississippi [Mr. COLLIER], on account of death in family.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 9224. An act to authorize appropriations for the construction of a sea wall and quartermaster's warehouse at Selfridge Field, Mich., and to construct a water main to Selfridge Field, Mich.;

H. R. 14255. An act to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain;

H. R. 14922. An act to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia traffic acts, etc.

H. R. 15071. An act to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes; and

H. R. 15437. An act to authorize appropriation for construction at Tucson Field, Tucson, Ariz., and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1748. An act for the relief of the Lakeside Country Club; and

S. 3060. An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 9224. An act to authorize appropriations for the construction of a sea wall and quartermaster's warehouse at Selfridge Field, Mich., and to construct a water main to Selfridge Field, Mich.;

H. R. 14255. An act to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain;

H. R. 15071. An act to authorize appropriations for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes; and

H. R. 15437. An act to authorize appropriations for construction at Tucson Field, Tucson, Ariz., and for other purposes.

RECESS

Mr. TILSON. Mr. Speaker, I move that the House now take a recess until 8 o'clock p. m.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION

The recess having expired, at 8 o'clock p. m. the House was called to order by Mr. SNELL, Speaker pro tempore.

The SPEAKER pro tempore. Under the special order the House is in session to consider bills on the Private Calendar unobjected to. The Clerk will call the first bill, beginning at Calendar No. 848.

WIDOW OF JOHN CURTIS STATON

The Clerk read the title of the first bill on the Private Calendar, H. R. 9660, for the relief of the widow of John Curtis Staton.

Mr. STAFFORD. I object.

Mr. IRWIN. Will the gentleman reserve his objection?

Mr. STAFFORD. I will.

Mr. IRWIN. This bill is a very meritorious bill. This man was assistant postmaster and he was dying of cancer. The work was taken to his sick bed by a clerk and he performed the duties under adverse circumstances. I certainly think the bill has as much merit as any bill on the calendar.

Mr. STAFFORD. The author of the bill, the gentleman from Georgia, talked to me about the bill at the last session when the Private Calendar was under consideration. I have since gone over the report again out of courtesy to him.

This man was an invalid. He was granted leave of absence, and he had the maximum leave of absence of a postal official. He was in a condition that he could not perform his duties. There are hundreds of postal employees in more or less of that situation. True, he did give some attention to the records of his office while on his sick bed. I am fearful of the precedent that will be established that persons in the Postal Service incapacitated from service will be entitled to compensation.

Mr. IRWIN. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. IRWIN. As a physician I can recognize the condition of this man. The Postmaster General says that the work was done and it was not necessary to have anybody else do the same. There was a clerk who went to the man's bedside every day, and this man performed the work. It was not necessary to hire anybody else, so that the Government was not out a penny. This man died of cancer, and I do think that there is merit enough in the bill with the recommendation of the Post Office Department to warrant its passage. Now, as to its setting a precedent—in all my experience dealing with these claims for years I have not had one like it.

Mr. STAFFORD. I am impressed with the statement of the gentleman, that there has been no similar claim. I will yield to the gentleman from Georgia.

Mr. RAMSPECK. I want to call the attention to the circumstances of this case. I have a copy of a letter written by George C. Rogers, acting postmaster at Atlanta, Ga., written to Senator HARRIS, of Georgia, on November 29, 1922, in which he says, in reference to the assistant postmaster during the time that he was acting postmaster.

I went into office inexperienced in postal matters and depended on Mr. Staton, who had long experience and was a man of exceptional ability, and took great interest in postal affairs. On

account of his illness he was absent from the post office from February 19, 1920, to the time of his death, July 15, 1920. While he was not on active duty in person he was always thinking of the Atlanta post office, and his heart was in our work. I called on him several times a week at his home, with the exception of about a week before he died. These visits were more business than personal, and I discussed business affairs with him and acted on his advice. I also used the telephone at times seeking information in regard to the post office. Owing to the fact that Mr. Staton was always available, I was able to conduct the business of the office without any additional expense of clerk hire, and I feel that while his salary was a saving to the Government he was clearly entitled to it.

Mr. STAFFORD. Mr. Speaker, I am impressed by two facts that have been brought out which are not in the record; one, just recited by the gentleman from Georgia [Mr. RAMSPECK], and the other by the chairman of the committee that there has been no other case similar to this. I rely on the statement that this will not be a precedent, and I therefore withdraw my reservation of an objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRANK W. CHILDRESS

The Clerk called the next bill, H. R. 10644, for the relief of Frank W. Childress.

Mr. STAFFORD. Mr. Speaker, I object.

MARY COOPER

The Clerk called the next bill, H. R. 11804, for the relief of Mary Cooper.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. I have examined this bill very carefully, and while I think the direct responsibility rests on the city officials of the city of New York, nevertheless I believe that the immediate cause of the trouble was the action of the postal-truck driver when he was obliged to get on the sidewalk, and in that way, I believe, killed this person. Accordingly I shall not press an objection if the bill may have the customary attorney-fee amendment added to it.

Mr. FITZPATRICK. I have no objection to that.

Mr. IRWIN. That is satisfactory.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $5,000 to Mary Cooper on account of the death of her husband, Benjamin Cooper, who was killed January 29, 1930, by a truck owned and operated by the Post Office Department.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: At the end of line 9, strike out the period, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

COMMERCIAL COAL CO.

The Clerk called the next bill, H. R. 11973, to authorize the Commissioners of the District of Columbia to compromise and settle a certain suit at law resulting from forfeiting of the contract of the Commercial Coal Co. with the District in 1916.

Mr. HOLADAY. Mr. Speaker, that bill should be stricken from the calendar. It has already been passed and has been approved.

The SPEAKER pro tempore. Without objection, the bill will lie on the table.

There was no objection.

CHARLES HELLYER

The Clerk called the next bill, H. R. 600, for the relief of Charles Hellyer.

Mr. BACHMANN. Mr. Speaker, I reserve the right to object. I have gone into this bill very carefully, and I do not see how there is any moral obligation to submit this claim to the Employees' Compensation Commission.

Mr. MONTAGUE. It is recommended by the War Department and by two Secretaries of War, Mr. Weeks and Mr. Hurley. This man was on a defective scaffold, built by the Government, and he had nothing to do with its construction. The case could be clearly maintained in a court of justice for damages. The scaffold fell without any negligence on his part. He was seriously injured. He is a poor helpless mortal. Where else can he look for help?

Mr. BACHMANN. The gentleman understands that this happened in 1912.

Mr. MONTAGUE. That may be true. The Government has never paid him in any way.

Mr. BACHMANN. I understand that he had an injury at that time. The report says that they do not know whether the disabilities he is now suffering were caused by that injury or not.

Mr. MONTAGUE. I do not recall that. The report of the Secretary of War says that the matter ought to be referred to the compensation commission to be tried and determined. I think that a more competent body to determine that fact than a debating society like this Congress.

Mr. BACHMANN. I read from page 3 of the report:

It is impossible to say at this late date whether the present condition of Mr. Hellyer is wholly or partially due to the injury of August 15, 1912.

I should like mighty well to permit this bill to pass.

Mr. MONTAGUE. That is the statement of Harry Bassett, the commissioner, is it not?

Mr. BACHMANN. Yes.

Mr. SCHAFER of Wisconsin. The gentleman is not going to hold that against the injured person in view of the fact that the report of the Secretary of War, appearing on page 2, indicates that the man was injured while a civilian employee and was confined to the hospital. They do not have the hospital records. The gentleman is not going to penalize the man because the hospital did not keep the hospital records, is he?

Mr. BACHMANN. I have nothing to do with the statement of the gentleman from Wisconsin, nor did I refer to anything the gentleman refers to. I am talking about the merits of the case.

Mr. MONTAGUE. The gentleman is talking about the permanency of the injury. Permit me to read from the bottom of page 3, from the physician.

Mr. BACHMANN. But the gentleman will notice that that affidavit was made in 1913.

Mr. MONTAGUE. The Government does not run any risk. My information is that this man's condition is worse now than then. All he wishes is a chance to go before this particular board where he can be examined and have his case tried as if he were under the law at that time. He has no other recourse.

Mr. BACHMANN. The statement the gentleman refers to at the bottom of page 3 is dated January 20, 1915.

Mr. MONTAGUE. Has the gentleman any evidence that his condition is not bad now? The recommendation of the Secretary of War is dated February 27, 1930.

Mr. BACHMANN. The statement I refer to is signed by one of the commissioners and is dated January 30, 1930. There is another objection. I hate to object to this on the gentleman's account. There is another objection. Sooner or later we are going to reach the point where we will prevent the submission of these claims to the Compensation Commission for injuries that happened prior to the passage of the law in 1916. Many are coming in. In this session of Congress they have increased. It is only a matter of time until we will be flooded by claimants who were injured prior to the passage of the law in 1916. It is opening a wide field. It is a bad practice. I must object to all bills of this kind to-night, and from now on. I object.

HATTIE M'KELVEY

The Clerk called the next bill, H. R. 1179, authorizing the Treasurer of the United States to pay Hattie McKelvey, $1,786.

Mr. STAFFORD. I object.

Mr. WOOD. Will the gentleman reserve his objection?

Mr. STAFFORD. Yes. I may say to the gentleman from Indiana [Mr. WOOD] there have been three or four bills of similar purport on the Consent Calendar to which I have objected.

Mr. WOOD. I do not think there has been a bill like this in the time of the gentleman or in my time.

Mr. SCHAFER of Wisconsin. I had a bill like this and the gentleman from Wisconsin [Mr. STAFFORD] objected to it. It had as much merit as the gentleman's bill has.

Mr. WOOD. There have been a number of bills where applications have been made for moneys left in the treasury of the soldiers' home after the owner of those moneys had died, but in this case there was a will made by the decedent prior to the time he entered this home, whereby he willed not only what moneys he might have at the time of his death but also all of his personal effects, which amounted to but little. After his death the personal effects remaining in the soldiers' home were turned over to this niece. It strikes me that this case is so different from the other class of cases that it should be favorably considered. Prior to the time he entered this home he made a will giving whatever personal property he had to this niece. If she was entitled to receive the other items of personal property, she was likewise entitled to receive this.

Mr. STAFFORD. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. STAFFORD. About five years ago I had a very meritorious case presented to me while at practice, and the facts were very similar to this case. I appealed to the Board of Managers to have the money paid to my client. He was a man of a hundred and some years of age, and had made a will in favor of a destitute person, my client, willing all his effects to him; and yet, after an examination of the law and studying the matter, I concluded there was no ground whatsoever on which I could maintain an action in the courts to recover $2,000 which had been transferred to the post fund. I have examined all the statutes, and I find the board of managers has full authority to use these funds and that there is no recourse except by just taking the money out of the Treasury.

Mr. WOOD. If this was a case where the occupant of the soldiers' home had died without any disposition of his property and had left it in the possession of the soldiers' home, then the statute would apply.

I call the gentleman's attention to another matter. We are authorizing appropriations every time this committee meets, of millions of dollars to be paid out of the Treasury of the United States. Here is an amount of money, $1,700, that never did belong to the United States and which this man could have given to his niece if she had been present 15 minutes before his last breath left his body.

Mr. STAFFORD. If there should be relief, then it should be by general legislation, because the statute bans the payment of this money.

Mr. WOOD. The gentleman does not seem to differentiate between this case and the ordinary class of cases here. I think if the gentleman stated the facts correctly concerning his own case, in that case, like this, his client was entitled to receive the benefit of that money.

Mr. STAFFORD. Mr. Speaker, I am constrained to object.

LOUIS BENDER

The Clerk called the next bill, H. R. 2644, for the relief of Louis Bender.

Mr. COLLINS. I object.

BERYL ELLIOTT

The Clerk called the next bill, H. R. 3059, for the relief of Beryl Elliott.

Mr. STAFFORD. I object.

Mr. McKEOWN. Will the gentleman reserve his objection for a moment?

Mr. STAFFORD. I will reserve the objection for a moment.

Mr. McKEOWN. If the gentleman has his mind made up, of course, there is nothing that I can do, but I simply wanted to say this is a very meritorious bill. This woman does not live in my district. She is a widow woman living in San Antonio, Tex. She formerly lived in my country. I just wanted to say this word in her behalf.

Mr. STAFFORD. I notice the report shows that the United States Employees' Compensation Commission determined that the injuries were not the result of her employment. Under those circumstances we can not allow a bill like that to be considered.

I object, Mr. Speaker.

D. F. PHILLIPS

The Clerk called the next bill, H. R. 3136, for the relief of D. F. Phillips.

Mr. STAFFORD. Mr. Speaker, I object.

Mr. TARVER. Will the gentleman reserve his objection?

Mr. STAFFORD. I will reserve the objection.

Mr. TARVER. This bill is of exactly the same nature as two bills which were passed when we last considered the Private Calendar. It simply relieves the claimant of the bar of the statute of limitations in presenting a claim to the Employees' Compensation Commission. He testifies that he was ignorant of the fact that he was entitled to present a claim under the law at the time he sustained his injury. He is now merely asking the right to present and have his claim passed upon. In that respect his bill, as I have said, is exactly similar to at least two other bills which were passed when the House last considered the Private Calendar.

Mr. STAFFORD. I do not recall the exact facts in those other cases, but I think this case is different in this respect, that not until 1929 did this claimant present his claim or make any claim for compensation, whereas the injury dates back to November, 1918.

Mr. TARVER. The claimant has never presented any claim by reason of the fact that he was not entitled under the law to present a claim after the expiration of the 12 months' period.

In that respect this claim is not different from those which were passed upon by the House, with the approval of the gentleman from Wisconsin, at the last meeting when we considered the Private Calendar, because I recall that in at least one of those cases the time was longer than in the instant case.

Mr. STAFFORD. Can the gentleman recall which case that was?

Mr. TARVER. I think it was 797 on the calendar. I do not recall the name of the claimant. There is certainly no reason, based on justice, why this bill should receive different treatment from those which we passed, with the gentleman's approval, at our last meeting to consider the Private Calendar.

Mr. ANDRESEN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. STAFFORD. I will have to object.

Mr. TARVER. Mr. Speaker, I make the point of no quorum, and reserving that point, if I may, I desire to say this: I do not intend to inconvenience the House in its consideration of the Private Calendar, but I do respectfully submit that I have the right to the consideration which is accorded to other Members, and that I shall have the privilege of discussing this bill.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. TARVER. Yes.

Mr. SCHAFER of Wisconsin. The gentleman does not think that by using up an hour in bringing the Members here that is going to get his bill through and help the gentleman.

Mr. TARVER. Not a bit in the world, but I certainly expect the same treatment that is accorded to other Members of this House.

Mr. SCHAFER of Wisconsin. Will it make the gentleman feel any better to have the Members called here and then have his bill objected to?

Mr. TARVER. It will not make me feel any better, but I do not intend to be denied the privilege of having a little conversation with the gentleman who is thinking about objecting to my bill for just a few minutes. If the gentleman will withdraw his request for the regular order and permit me to discuss the bill with the gentleman from Wisconsin for a few minutes longer, I will not press my point, otherwise I will.

Mr. STAFFORD. I think it would only be fair to the gentleman to permit him to continue for a few minutes longer.

Mr. ANDRESEN Mr. Speaker, I will withdraw my demand for the regular order for the time being.

Mr. TARVER. I desire to say to the gentleman that there are several other bills on the calendar to be called during the remainder of the evening which involve exactly the same question involved in this case. I want to call the gentleman's particular attention to a bill introduced by one of his colleagues, which is No. 859 on the calendar, the third bill following the instant bill, and I ask the gentleman whether it is his intention to object to that bill.

Mr. COLLINS. I am going to object.

Mr. STAFFORD. I have it marked for objection.

Mr. TARVER. If the gentleman is going to object to that bill, he will place the author of that bill in the same position I am in, because the bills which were passed the other night were of exactly the same character.

Mr. STAFFORD. I will go over this bill another time. I do not want to do the gentleman any injustice. I object for the time being.

FRANK MARTIN

The Clerk called the next bill, H. R. 3653, for the relief of Frank Martin.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $3,168.50 to Frank Martin for injuries received when struck by a United States mail truck.

With the following committee amendment:

On page 1, in line 8, after the word "truck," insert a colon and add the following proviso: *"Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ARTHUR RICHTER

The Clerk called the next bill, H. R. 3729, for the relief of Arthur Richter.

Mr. COLLINS. Mr. Speaker, I object.

HOWARD LEWTER

The Clerk called the next bill, H. R. 4102, to extend the benefits of the employees' compensation act of September 7, 1916, to Howard Lewter.

Mr. COLLINS. Mr. Speaker, I object.

IRENE LUNGO

The Clerk called the next bill on the Private Calendar, H. R. 5391, for the relief of Irene Lungo.

Mr. STAFFORD. Mr. Speaker, I object.

Mr. UNDERWOOD. Will the gentleman reserve his objection a moment?

Mr. STAFFORD. I reserve my objection as a courtesy to the gentleman from Ohio.

Mr. UNDERWOOD. I trust the gentleman has carefully read the report accompanying this bill.

Mr. STAFFORD. I will say to the gentleman that I base my objection on the fact that the Employees' Compensation Commission found that this woman's condition was not the result of her employment.

Mr. UNDERWOOD. I desire to call the gentleman's attention to the third paragraph of the report on page 2, "the application of this claimant was filed with the commission on June 5, 1923," and the commission, in a finding made at a later date, stated that the claimant's disabilities were due directly to her employment, and if the gentleman will permit me, I would like to read a part of a paragraph from a letter written by the chairman of the commission to the claimant. This is what the chairman of the commission had to say:

From the evidence now before the commission it appears that in this case the disability is believed to have been the result not of an injury by accident but of disease directly caused by the employment.

Now, certainly you have two conflicting decisions by the Compensation Commission. I do not think there can be any question as to the merits of this bill.

This young lady was employed in a clerical capacity in the Quartermaster Corps at Camp Sherman. She was compelled to work in an old shack of a building, where the heating and ventilating equipment was faulty. She has no appeal from the finding of the commission.

Mr. STAFFORD. We create a commission with authority to investigate the facts as to whether a disability is of service origin. The commission finds that it is not, and now we are asked to open the doors so that all claimants who have been denied can come in and present their claims.

Mr. JENKINS. If the gentleman will permit, would it make any difference in the gentleman's consideration of this matter to know that the commission made two contrary decisions?

Mr. STAFFORD. For my own part, I do not think her injury was directly traceable to her service. She may have contracted the colds from attending a dance, she may have contracted them by being poorly clad, or she may have been constitutionally tubercular. There are any number of conditions that may have brought this about, and when the employees' commission finds it was not connected with her service are you going to have Congress then set itself up as a fact-finding commission?

Mr. JENKINS. Let me say to the gentleman that the medical evidence in this case is voluminous and it is all on the one point, and the entire evidence proves that this girl contracted this disease under the circumstances stated, and this is supported by the evidence of dozens of people who knew all about the situation, and this is what makes the case different from any of the others. The commission has found both ways, and the gentleman from Ohio [Mr. UNDERWOOD], my colleague, has had the matter up with the commission to-day, and I can say that the commission, or those who have talked with the gentleman from Ohio at least, feel that this is a meritorious claim.

Mr. STAFFORD. Then at the next session of the Congress let them send up a different report from the one which is in the record.

Mr. UNDERWOOD. The claimant was employed as stenographer and clerk in the United States Veterans' Bureau and War Department at Camp Sherman, Ohio. She served in that capacity with the War Department and Veterans' Bureau from 1918 to January, 1923.

As a direct result of her employment and the working conditions under which she was compelled to perform her duties, Miss Lungo contracted pulmonary tuberculosis. During the entire time of her employment she was compelled to work in an old shack of a building hastily constructed during war time at Camp Sherman, Ohio. It was next to impossible to ventilate such a building and the heating was faulty. As a result it was necessary for this girl at numerous times during her employment to wear a heavy coat and extra

clothing. The desk where Miss Lungo worked was near a main door of the building, subjecting her to excessive drafts and undue exposure. During the latter part of her employment at the vocational school as a part of her duties she was compelled to come in contact with trainees, many of whom were suffering from chronic pulmonary tuberculosis. Due to the limited personnel and the extra work in connection with the establishment of the vocational school Miss Lungo was compelled to do much overtime work. As a result of these conditions she contracted severe colds and influenza, which, according to the medical evidence, resulted in acute pulmonary tuberculosis. Prior to her employment her health had been excellent. According to medical evidence there was not the slightest trace of tuberculosis in her family at any time.

She was compelled to leave her position in 1923, and since that time has resided in Albuquerque, N. Mex., being wholly without means of support and dependent upon the charity, help, and assistance of her family and friends for her livelihood.

Her condition has gradually become worse. She may have but a few months more to live. Application for compensation was filed with the United States Employees' Compensation Commission on June 5, 1923. Miss Lungo's superior stated at that time that she had been a faithful and conscientious worker and that he believed her condition was directly due to the unsatisfactory conditions under which she was compelled to perform her duties. On June 14, 1923, the chairman of the commission, in a letter directed to the claimant, stated in effect, that her disease was directly caused by her employment, but due to a ruling of the Comptroller General it would be impossible to allow her compensation. After the law was amended to cover occupational diseases, on June 5, 1924, the commission reversed its former attitude and denied her claim for compensation.

Miss Lungo's condition is due wholly to the nature of her working surroundings at the time of her employment by the Government. She does not have any means of support. The enactment of this bill would be an act of justice, equity, and fairness. It would be an act of mercy and assist in part in relieving Miss Lungo's suffering during the remainder of her life. In justice and in fairness to this claimant and the merits of the claim, I had sincerely hoped that no Member would object to the passage of this act.

Mr. STAFFORD. I object, Mr. Speaker.

HOWARD LEWTER

Mr. LANKFORD of Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. COLLINS] may reserve his objection to Calendar No. 859, a bill to extend the benefits of the employees' compensation act of September 7, 1916, to Howard Lewter and let me make a statement about it.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that the gentleman be given two minutes within which to make a statement.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. LANKFORD of Virginia. Mr. Speaker, I am addressing my remarks especially to the gentleman from Mississippi [Mr. COLLINS].

This case of Howard Lewter is the case of a poor negro who is absolutely paralyzed. He is on crutches and is practically helpless. It is true that he was hurt in 1908, but it is a very pathetic case, and if the Government is helping people in this situation now, I do submit that there is no reason why this boy should not receive the same consideration. I have his photograph here in the files and I wish the gentleman could see it. He has been in my office. He drags his knees along and his case is the most pathetic case I have ever seen.

Mr. COLLINS. The Navy Department says:

The bill, if enacted, would give the claimant greater compensation than was allowed by the legislation in force at the time of the injury. Moreover, it has been the consistent policy of the Navy Department to withhold its approval of legislation tending to give the benefits of the compensation act of September 7, 1916, to any individual injured before its passage. This action is based on the belief that the relief of this character if extended should be general rather than individual.

In addition to what the Navy Department has said in this communication, the same thing has been said to the Congress in another way by the President of the United States, the latest addition to our force of objectors. The President vetoed a bill recently, assigning this very reason.

Mr. LANKFORD of Virginia. I do not believe the President of the United States or anybody else would object to this poor boy being paid $1.76 a day on account of the condition he is now in. He was hurt while in the Government service, as the report will show, and if the gentleman has any heart at all, he will let this bill go through.

Mr. COLLINS. In addition to what has already been said, this particular claim is on all fours with others that have been objected to here to-night.

Mr. LANKFORD of Virginia. That is true; but this boy is worse off than any claimant whose bill has been up here to-night.

Mr. COLLINS. The gentleman is one of the most popular and useful Members of the House, and naturally, therefore, I dislike to object to a bill sponsored by him.

Mr. LANKFORD of Virginia. I am not asking the gentleman to do this on my account, but on account of this poor boy.

Mr. COLLINS. I will have to object.

NELSON E. FRISSELL

The Clerk read the title of the next bill on the Private Calendar, H. R. 7161, for the relief of Nelson E. Frissell.

Mr. STAFFORD. Reserving the right to object, the gentleman has no objection to the customary amendment in relation to attorney fees?

Mr. FOSS. None at all.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nelson E. Frissell, of East Templeton, Mass., the sum of $7,219.52. Such sum represents the money expended, the value of services performed, and the damages sustained by Nelson E. Frissell in connection with a contract with the Post Office Department for the construction and lease of a post-office building at Augusta, Me., which contract was canceled by the Post Office Department.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MAY L. MARSHALL

The Clerk read the next bill on the Private Calendar, H. R. 7195, for the relief of May L. Marshall, administratrix of the estate of Jerry A. Litchfield.

Mr. BACHMANN. Reserving the right to object, I see in the report, on page 4, in a suggestion by the War Department that the same action be taken in this case as was taken in the case of George W. Boyer, which arose out of the same accident. Why should we distinguish between the two cases?

Mr. LANKFORD of Virginia. If the gentleman would read the report further——

Mr. BACHMANN. I have read it.

Mr. LANKFORD of Virginia. He will see that the case was decided in the district court of the United States, and they decided that there was negligence by the man who was killed in the same accident. The Treasury Department

did not know the case had been decided when they made this report.

Mr. BACHMANN. This was made by the Secretary of War.

Mr. RANKIN. But he did not know that the case had been decided.

Mr. BACHMANN. The court decided the case April 15, 1929, and the report was filed in 1930, so the gentleman's statement is not in accordance with the facts. I question whether we should make any distinction between the two cases.

Mr. LANKFORD of Virginia. It is admitted that this boy lost his life there, and if he brings his suit he might recover $10,000; $10,000 is the limit in Virginia, but they would be subjected to the extra expense.

Mr. IRWIN. When the committee considered this bill they took all these facts into consideration.

Mr. BACHMANN. Does not the chairman of the committee think, in view of the statement of the Secretary of War, that this case should be handled in the same way as the other case? Does not the gentleman think that we ought to accept that recommendation and make that distinction?

Mr. IRWIN. I think we ought to make a distinction, owing to the circumstances here. I think the War Department when it passed on it did not take all of the facts into consideration, but the committee did.

Mr. BACHMANN. Is it true that the Secretary of War did not have the benefit of the court decision at the time he made the statement?

Mr. IRWIN. I can not say that. I know that the committee discussed the bill in a lengthy manner, and we took all these facts into consideration. It was the unanimous opinion of the committee that the recommendation of the War Department should be ignored in this case.

Mr. LANKFORD of Virginia. I had to write and get the court decision. I did not know of it until I received it. I do not think at the time the letter was written that the Secretary of War knew that it had been decided against this man.

Mr. BACHMANN. Well, I am not going to object, and I withdraw my reservation of objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $5,000 to May L. Marshall, administratrix of the estate of Jerry A. Litchfield, who was killed on the night of December 7, 1925, in a collision between the barge *Pine Grove* and the highway bridge at Coinjock, N. C., while said bridge was owned and operated by the United States, and by the lowering of the draw of said bridge on the pilot house of the barge *Pine Grove* in which said Jerry A. Litchfield was a passenger: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Insert in line 14 of the bill:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EULA K. LEE

The Clerk called the next bill, H. R. 8310, for the relief of Eula K. Lee.

Mr. COLLINS. I reserve the right to object. This woman fell on the steps of the post office.

Mr. CABLE. Yes.

Mr. COLLINS. And because she fell, the gentleman thinks the Government should pay her for whatever injuries she sustained.

Mr. CABLE. I would like to say to the gentleman that this post office is in my home city of Lima, Ohio. I am personally acquainted with the condition of the post office. It was constructed so that a person coming out of the post office, going through the revolving doors, is unable to see the condition of the steps until he has passed through the door and has practically put his foot on the step. I am acquainted with this lady. She has put in a claim for reimbursement for part of the money that she has expended in doctors' bills and hospital bills. She is permanently injured. I have asked a modest sum, in my opinion, to take care of this case.

Mr. COLLINS. I do not see why the Government ought to be called upon to reimburse somebody for injuries claimed to have been suffered merely because of a fall.

Mr. CABLE. Yes; but the Government was negligent in this particular part of the Federal building. It is a serious and dangerous condition there. I have an affidavit in the report showing where another woman had very much difficulty in going down these steps to reach the pavement. The floor of the post office proper is about 5 feet from the level of the pavement, and when the lady came out of the revolving door she stepped down, not knowing that there were ice and snow on the steps, and she fell down the steps to the pavement and received permanent and serious injury.

Mr. COLLINS. The report of the custodian of the building says that there were no ice and snow on the steps.

Mr. CABLE. With all due regard to the custodian, there is an affidavit here from Frances O'Connell stating that on that day about that same time she came onto the steps and had difficulty, and that ice and snow were on the steps.

Mr. COLLINS. I do not think we ought to begin this practice. I shall have to object.

Mr. CABLE. I wish the gentleman would reserve his objection, because this woman is not asking a large sum, not as large as she would get if she went before a jury.

Mr. COLLINS. The Government can not compensate people for falling down.

Mr. CABLE. If this case were before a jury, the jury would give her a large amount, in view of the injury she has sustained.

Mr. COLLINS. I do not know how the gentleman knows what a jury would do in a given case. I object.

HELEN PATRICIA SULLIVAN

The Clerk called the next bill, H. R. 9607, for the relief of Helen Patricia Sullivan.

Mr. STAFFORD. I reserve the right to object. Why did not the Post Office Department furnish the customary report of the inspectors as to the incidents surrounding this accident?

Mr. EVANS of California. It is all set forth in the statement in the report. I do not know why the Post Office Department did not include in this report the full statement of the inspectors. It does appear that the Post Office Department made a full investigation of this and found that the driver of the mail truck was entirely responsible for the accident. He was tried, convicted, and fined $50. There is no question about the responsibility. The Post Office Department acknowledges that.

Mr. COLLINS. Mr. Speaker, will the gentleman yield?

Mr. EVANS of California. Yes.

Mr. COLLINS. The objection I have to the bill is that the Government has settled with this woman once, as the gentleman will notice on page 2 of the report of the Postmaster General. She accepted $500 from the department, and that settlement ought to be binding.

Mr. EVANS of California. May I explain that to the gentleman? That is not the report of the Postmaster General. That is the brief by somebody representing Mrs. Sullivan.

Mr. COLLINS. It is a letter dated February 2, 1930, which is in the report, and it is signed by Walter S. Brown, who is the present Postmaster General.

Mr. EVANS of California. I had reference to the brief.

Mr. COLLINS. I am talking about one thing and the gentleman is talking about another. Let me quote what he says:

I regret my inability to comply with your request for the reason that the evidence relating to this claim was forwarded to the General Accounting Office, Post Office Department Division, on September 27, 1929, at which time Mrs. Sullivan's claim was approved by this department in the sum of $500.

Mr. EVANS of California. When this claim was presented to the Post Office Department it was presented in the full amount of her claim, approximately $10,600. The $600 was for hospitals and doctors' bills and expenses. The Post Office Department wrote her that the limit that they could pay was $500, after investigating and finding that it was liable. They said that if she would revise her claim against the department and make it $500 they would be glad to pay the claim. She is not a resident of my State. She was a visitor in Los Angeles at the time of the accident. I have never even met her.

Mr. COLLINS. Did she accept the $500?

Mr. EVANS of California. She accepted the $500 with the strict understanding that she would pursue this course for compensation for her injury. This woman was in bed for two months. She was seriously injured. There is no question as to the bona fides of the injury.

Mr. COLLINS. That is neither here nor there. If she accepted $500 in settlement of this claim, she ought to be bound by her agreement.

We ought not to be continuously appropriating money for the same injury as is stated in this case.

Mr. EVANS of California. May I say to the gentleman from Mississippi that this woman's expenses were more than $500. There is no question about her injury. I know what I am talking about because I have read the correspondence. She accepted $500 at the suggestion of the Post Office Department on the ground that that was the limit of their authority under the law, and not the limit of the liability of the Government in this matter. I do not believe it would be fair and just to refuse compensation to this woman.

Mr. STAFFORD. What is her present condition? In considering this case, the thought occurred to me that before we vote money on the ex parte testimony of the claimant's witnesses, the doctors in this case, we ought to have some testimony of the Public Health Service, or of some representative of the Government. Now, she says in her own affidavit:

At present I can not walk without pain in my left foot excepting by the use of a particularly flat-heeled shoe.

She was able to work a week after the accident.

Mr. EVANS of California. Oh, no.

Mr. STAFFORD. That is what she says.

Mr. EVANS of California. No. She was in bed for two months.

Mr. STAFFORD. She says:

After working a week keeping books and acting at times as cashier I had to stop work because of my physical condition and was confined to bed for a week as a result of the attempt.

And she was able to go to Montana within a short time after the accident.

Mr. EVANS of California. Oh, no; the gentleman is mistaken. The gentleman is reading the record incorrectly.

Mr. STAFFORD. I am just reading her own affidavit.

Mr. EVANS of California. You will have to read back further.

Mr. STAFFORD. I read all of pages 2, 3, 4, and 5. I read all of the report. The impression I got when I was reading it was that it was rather a padded claim. She is in a condition to walk, and we are asked to pay her $5,000 in addition to the $500 she got originally. Present some evidence from some representative of the Government as to her condition.

Mr. EVANS of California. The affidavit of the doctors show this woman was in bed for two months, and then on crutches for several months, during none of which time was she able to do any work.

Mr. STAFFORD. Unless we can get some evidence from the Government, I think it is throwing $5,000 away, and therefore I object.

Mr. EVANS of Montana. Will the gentleman withhold his objection a moment?

Mr. STAFFORD. I will withhold it.

Mr. EVANS of Montana. It is suggested that this party worked within a week. If the gentleman will look at the affidavit, he will find that she worked in December, 1929, while the woman was injured in April, 1929.

Mr. STAFFORD. What she says is:

I could not walk without the aid of crutches until late in June or early in July, and it was some time after that before I could walk without considerable difficulty.

Now, what is her present condition? She can walk. She wanted $10,000. The committee finds $5,000 on the ex parte testimony of the doctors. I want some testimony of the representatives of the Public Health Service. It is a raid on the Treasury without any sufficient testimony, and I object.

EDITH BARBER

The Clerk called the next bill, H. R. 10428, for the relief of Edith Barber.

Mr. STAFFORD. Reserving the right to object, Mr. Speaker.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that the bill S. 1496 be considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I would like to see the Senate bill first.

Mr. DOUGHTON. The Senate bill is more favorable than the House bill. The Senate bill refers the claim to the Employees' Compensation Commission.

Mr. STAFFORD. I am not satisfied with the form of the Senate bill, Mr. Speaker, "Congress having determined that she contracted tuberculosis in the performance of her duty." I have no objection to an amendment authorizing the United States Employees' Compensation Commission to inquire as to whether she suffered these injuries while employed as a nurse.

Mr. DOUGHTON. That is what they will do. They will consider that.

Mr. STAFFORD. Oh, no. The form of the Senate bill is that it absolutely finds she contracted tuberculosis while in the performance of her duties. It does not give any leeway to the commission at all to make a finding.

Mr. DOUGHTON. Has the gentleman read the report? She served as a nurse in a sanitorium in Virginia and in Tennessee for about 16 years. She broke down.

Mr. STAFFORD. Oh, she broke down and she was on vacations. She was transferred from place to place. I have no objection to giving her the benefits of the Employees' Compensation Commission; that is, allowing the Employees' Compensation Commission to consider her claim.

Mr. DOUGHTON. Will that not necessitate going back to the Senate, and that would kill the bill for this session?

Mr. STAFFORD. I hope not.

Mr. DOXEY. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. DOXEY. That will include permission to consider the claim, and if she is found to have a meritorious claim, although she is barred by the statute, the claim is allowed?

Mr. STAFFORD. That is it exactly.

Mr. DOUGHTON. I will accept the amendment.

Mr. STAFFORD. Mr. Speaker, I do not have the amendment in proper form just now.

The SPEAKER pro tempore. Without objection, the bill will be temporarily passed.

There was no objection.

ALEX BREMER

The Clerk called the next bill, H. R. 11185, for the relief of Alex Bremer.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, I notify the House that I intend to offer the usual attorney's fee limitation.

Mr. STAFFORD. Mr. Speaker, I object.

A. E. WHITE

The Clerk called the next bill, H. R. 12076, authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of the postmaster at Payette, Idaho, A. E. White, with the amount of $144.55, the same being the balance of the amount of $272.72, funds belonging to the post office deposited in the Payette National Bank, Payette, Idaho, by the said A. E. White, postmaster, and which is still due the Post Office Department upon the final liquidation of the bank's assets following the failure of the said bank on November 16, 1922.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WILLIAM R. COX

The Clerk called the next bill, H. R. 12374, for the relief of William R. Cox.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of William R. Cox, postmaster at Pasco, Wash., in the sum of $103.81, due the United States on account of the loss resulting from the closing of the First National Bank, of Pasco, Wash.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

PORT ARTHUR CANAL & DOCK CO.

The Clerk called the next bill, H. R. 12498, for the relief of the Port Arthur Canal & Dock Co.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Port Arthur Canal & Dock Co., out of any money in the Treasury not otherwise appropriated, the sum of $300, to reimburse the said Port Arthur Canal & Dock Co. for the deposit of like amount made with the Secretary of War in the year 1906 to secure the United States against any claim under an unsecured vendor's lien in favor of one J. H. Black upon certain property at Port Arthur, Tex., conveyed to the United States by the Port Arthur Canal & Dock Co., no claim having been made under said vendor's lien and the time within which such claim might be made having expired.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ALFRED W. MAYFIELD

The Clerk called the next bill, H. R. 3643, for the relief of Alfred W. Mayfield.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,897 to Alfred W. Mayfield, of Carlinville, Ill., to reimburse him for his loss on tubercular cattle.

With the following committee amendment:

Page 1, line 6, strike out "$2,897" and insert in lieu thereof "$700."

The committee amendment was agreed to.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: At the end of the bill add the following proviso:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ELSIE M. SEARS

The Clerk called the next bill, H. R. 7047, for the relief of Elsie M. Sears.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elsie M. Sears, of Plymouth, Mass., the sum of $250 in full compensation for personal injuries and damages to her clothing as the result of an accident which she suffered, without negligence on her own part, on the 23d day of July, 1926, while in the Federal building in said Plymouth.

With the following committee amendment:

Page 1, line 6, strike out "$250" and insert in lieu thereof "$50."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WILLIAM W. DANENHOWER

The Clerk called the next bill, S. 2466, to carry into effect the findings of the Court of Claims in the case of William W. Danenhower.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

HELEN F. GRIFFIN AND ADA W. ALLEN

The Clerk called the next bill, S. 2892, for the relief of Helen F. Griffin and Ada W. Allen.

Mr. COLLINS. Mr. Speaker, I object.

Mr. JOHNSON of Washington. Will the gentleman withhold his objection?

Mr. COLLINS. Yes.

Mr. JOHNSON of Washington. Here is a bill for the relief of two widows whose husbands, who were Federal employees, contracted poisoning on food ordered and served by the Government while they were fighting tremendous forest fires.

This is a Senate bill and the reports from the department are all favorable, and I believe it was handled in the Claims Committee of the House entirely on its merits; certainly, without a special appeal. I believe this measure should appeal to the membership of the House entirely on its merits. There is quite an extensive report on the bill. I base my appeal, in addition to the statement of fact and indorsement by the forester; also on the statements of leading physicians of Tacoma and the other officials, on particular statement made here by the Chief Forester, who says:

> The thought occurs to me that perhaps the strenuous work of fighting forest fires is not fully appreciated by those who have not experienced it.

Gentlemen, in the country where I live, where the great fir trees, filled with pitch, whole forests get on fire, the situation is so desperate that sometimes every able-bodied man within a radius of 10 or 20 miles is called in by the fire warden to assist the Federal officials in fighting fires. They get no reward. These were two leaders, Government men, who were paid about $2,100 a year and the compensation these widows would have received is small, and one has two children and one has no child. The amount per month is small and if this accident had occurred a short time later, there would have been no question about it.

Mr. SLOAN. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. SLOAN. Is it not the fact that these men were poisoned by food furnished by the Government itself?

Mr. JOHNSON of Washington. Ordered by the Government.

Mr. SLOAN. At the restaurant where the Government had ordered food at a time when they were exhausted fighting fire, and they died shortly afterwards as a result of it.

Mr. JOHNSON of Washington. That is the story in brief. Had the widows applied earlier they would have had compensation and this bill would not have been necessary.

Mr. SLOAN. And the gentleman knows that the physician, Dr. Grant Hicks—whom I have known for 50 years, the leading physician in the city of Tacoma, whose word is as good as that of any physician in this world—and the Department of Agriculture have recommended this.

Mr. JOHNSON of Washington. I thank the gentleman for his statement. My own rule is never to introduce a proposal for a claim sent to me unless I can see merit in it, and the affidavits to back up all statements which have been made. This is a Senate bill and was entirely handled by the House Committee on Claims on its merits.

Mr. COLLINS. Mr. Speaker, I object for the time being.

ELIZABETH T. CLOUD

The Clerk called the next bill on the Private Calendar, H. R. 269, for the relief of Elizabeth T. Cloud.

Mr. STAFFORD. Mr. Speaker, I object.

ESTATE OF W. A. COX

The Clerk called the next bill on the Private Calendar, H. R. 6207, for the relief of the estate of the late Dr. W. A. Cox.

Mr. STAFFORD. Mr. Speaker, I object.

Mr. DOXEY. Will the gentleman reserve his objection a moment?

Mr. STAFFORD. Certainly.

Mr. DOXEY. On behalf of the gentleman who reported the claim and the author of the bill, I would like for the gentleman to tell me the nature of his objection. I am sure the gentleman is familiar with the case.

Mr. STAFFORD. I have made a note on the bill as a syllabus of my finding.

Mr. DOXEY. What does the gentleman's note say?

Mr. STAFFORD. That there was no authority on the part of any immigration official to authorize the public health officer to examine immigrants.

Mr. DOXEY. Will the gentleman permit me briefly to tell him the facts?

Mr. STAFFORD. Yes.

Mr. DOXEY. This doctor rendered the services. There is no question about that. He rendered them under the authority of the inspector of the Immigration Department at that time. He was only getting $300 a year, but there was a change of inspectors and he was informed by the new inspector that he had to have formal appointment by the department. This appointment was given. He continued to render the services as he had without the appointment, but under the authority of an inspector. This bill merely gives him $300 a year for the service he performed under the authority of this inspector who was a duly authorized representative of the Government, thinking he had the right to authorize this service, and that the service would be paid for; and he afterwards found that the service, although authorized by him, should have been approved by the department, which, no doubt, would have been approved if the request had been made, which was afterwards shown by the continuation of the doctor in this identical service.

So I respectfully submit that the gentleman from Wisconsin can see by the after-developed fact that the department gave the authority for the identical work and would have given it if they had been requested at the beginning of the term when the service was performed. It was not the doctor's duty to find out, because he was relying on the inspector in charge of the post. These are the facts.

Mr. STAFFORD. Mr. Speaker, by reason of the statement advanced by the gentleman from the Committee on Claims, I withdraw the objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $1,293.83 to the estate of the late Dr. W. A. Cox, for services performed during his lifetime in immigration inspection at the port of Pascagoula, Miss.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOSE O. ENSLEW

The Clerk read the title of the next bill on the Private Calendar, H. R. 6535, for the relief of Jose O. Enslew.

Mr. STAFFORD. I object.

Mr. SOMERS of New York. Will the gentleman reserve his objection?

Mr. STAFFORD. I will.

Mr. SOMERS of New York. This girl was injured in crossing the street by a Government truck. There was no fault on her part, no negligence, and I think her family ought to be compensated.

Mr. STAFFORD. She was injured on Pine Street, New York. All of those who go to New York know the crowded conditions on Pine Street and Wall Street.

Mr. SOMERS of New York. But the driver says that there was nobody on the street at this time.

Mr. STAFFORD. She walked right across the street into the truck, into the Government truck, and was injured. I object.

HELEN F. GRIFFIN AND ADA W. ALLEN

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to return to Calendar No. 873, S. 2892.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to return to Calendar No. 873. Is there objection?

Mr. COLLINS. Reserving the right to object, these are two ignorant people who failed to file their claims within the year time.

Mr. JOHNSON of Washington. Not ignorant people, but ignorant of the law. They slept on their rights and did not file their claims.

Mr. COLLINS. I am inclined to believe that we ought to permit them to file now. Had they filed within the year they would receive the benefits that go to other employees that are injured. Ignorance of the law is responsible for their failure to file within the required time.

Mr. BACHMANN. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. BACHMANN. Does the gentleman want to extend that ruling to employees of the city of Washington who have been injured?

Mr. JOHNSON of Washington. Let each case stand on its own merits.

Mr. COLLINS. I think we ought to let the House consider this bill. As far as I am individually concerned, I am willing for this bill to be considered.

Mr. BACHMANN. I can see where some employees of the Government in some State in a remote part may not be familiar with the provisions of the law, and I am asking the gentleman whether he wants to extend the ruling to employees in Washington who may be familiar with the law?

Mr. COLLINS. I seriously doubt whether added time be generally given, but these people live in a forest, in a remote section, and not being conversant with the benefits of the law, I am constrained to believe that they ought to be permitted to file their claims now for benefits that they were entitled to and would have received had they filed in time.

Mr. BACHMANN. I agree with the gentleman in this particular instance.

Mr. JOHNSON of Washington. Now we have got it. [Laughter.]

Mr. BACHMANN. But I am asking the gentleman whether he wants to extend the rules to other cases?

Mr. COLLINS. I do not think so.

Mr. SCHAFER of Wisconsin. Reserving the right to object, I understand that the two regular objectors decide to consider a case when it has been considered by the present committee where the employees have failed to file, having no knowledge of the law. I do not object.

The bill was read, as follows:

S. 2892

A bill for the relief of Helen F. Griffin and Ada W. Allen

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Helen F. Griffin, widow of Alfred A. Griffin, and to Ada W. Allen, widow of G. F. Allen, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, compensation to commence from and after the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A. W. HOLLAND

The Clerk called the next bill, H. R. 6896, for the relief of A. W. Holland.

Mr. STAFFORD. I object.

Mr. McKEOWN. Will the gentleman reserve his objection for a moment?

Mr. STAFFORD. Yes.

Mr. McKEOWN. This man Holland was appointed postmaster in 1911 at a little town in Oklahoma named Drumright. It did not amount to anything, but suddenly there was an oil boom. The man spent over $800 or $900 in trying to give service to these people. The gentleman knows Mr. Burleson's attitude toward postmasters in his day. He refused to give them any help. The man spent his money, and the department does not express any opinion about it. He is entitled to his money. He is in bad shape. He has done the work.

Mr. STAFFORD. Mr. Speaker, I do not wish to take up the time of the committee in reciting the history of the allowance for clerk hire in fourth-class postmasters during periods when there is extra work. There was a time when these men were given no allowance for additional service. If we should establish this practice, we would have any number of claims of a similar character. In later years we established the policy, where there was an extraordinary condition, of the department granting a certain allowance for extra work occasioned by exceptional conditions. In the early days there was no appropriation that permitted such an allowance.

Mr. McKEOWN. This man would have been paid if it had come along later. There were 50,000 people there.

Mr. STAFFORD. There are cases of mining towns out West where the conditions were similar, and in my own country there was extra work during the resort season. I object.

EDWARD J. DEVINE

The Clerk called the next bill, H. R. 7291, for the relief of Edward J. Devine.

Mr. GREEN. Mr. Speaker, I reserve the right to object, and I do not intend to do so, because I have never objected to a private bill. I rise to ask my colleague's indulgence at 1 minute before 11 o'clock to-night to help me pass a bill general in scope which is on this calendar. It does not call for any money; it is not a claim bill, but a whole county in my district is concerned, and it has taken months and months to get the bill out of the committee. On account of this emergency, just before 11 o'clock, after we have finished our business, I am going to ask to take up Calendar No. 1192, which is a Senate bill. It will not take more than a half a minute to pass it.

Mr. STAFFORD. We have not those bills before us now.

Mr. GREEN. I have the bill, and I will show it to the gentleman.

Mr. STAFFORD. I have it at home, but I have not the report.

The SPEAKER pro tempore. Is there objection to the consideration of the bill H. R. 7291?

There was no objection, and the Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau is authorized and directed to pay, out of the appropriation "Medical and hospital services," to Edward J. Devine the sum of $65.50. The payment of such sum shall be in full settlement of all claims against the United States for undertaking services performed by Edward J. Devine in connection with the burial of Patrick J. Murtagh.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANK J. MICHEL AND BARBARA M. MICHEL

The Clerk called the next bill, H. R. 12632, for the relief of Frank J. Michel and Barbara M. Michel.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $5,000 to Frank J. Michel and Barbara M. Michel, in full for all claims they or either of them may have against the Government on account of the death of their son, Lawrence Michel, who was fatally injured in Patterson Park, in the city of Baltimore, State of Maryland, on the 14th day of August, 1919, by being struck by a falling airplane, then and there owned and operated by the Government of the United States.

With the following committee amendment:

At the end of the bill add the following:

"SEC. 2. That there is hereby appropriated, and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $5,000 to Sophia Mary Klima, widow, in full for all claims she may have against the Government on account of the death of her daughter, Elsie Klima, who was fatally injured in Patterson Park, in the city of Baltimore, State of Maryland, on the 14th day of August, 1919, by being struck by a falling airplane, then and there owned and operated by the Government of the United States.

"SEC. 3. That there is hereby appropriated, and the Secretary of the Treasury is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $5,000 to Katie Kroart, widow, in full for all claims that she may have against the Government on account of the death of her son, William E. Kroart, who was fatally injured in Patterson Park, in the city of Baltimore, State of Maryland, on the 14th day of August, 1919, by being struck by a falling airplane, then and there owned and operated by the Government of the United States: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The title was amended to read: "A bill for the relief of Frank J. Michel and Barbara M. Michel, and others."

HARRISON SIMPSON

The Clerk called the next bill, H. R. 12659, for the relief of Harrison Simpson.

Mr. BACHMANN. Mr. Speaker, I reserve the right to object. This is another one of those cases permitting the claimant to file his claim with the Employees' Compensation Commission.

Mr. VESTAL. Mr. Speaker, I do not think this bill ought to be objected to. I think it ought to pass. It is a jurisdictional bill. This man was operating an elevator and was in the hospital for more than a year. He has not a thing on earth to live on. He did not know anything about the statute of limitations.

Mr. IRWIN. That is the point that I was going to make. Here is an old man who did not know his rights. I am always in sympathy with that kind of a bill. That is the reason we reported this bill. Where a man or woman is educated and knows his or her rights I do not feel much sympathy. I went into this thing thoroughly, and I believe we ought to waive that particular statute in this case.

Mr. BACHMANN. When I went over this case I thought there might be some extenuating circumstances and that we might consider it within the rule as suggested, but I do not find anything in the report to show that he ever made application to the Employees' Compensation Commission.

Mr. VESTAL. He did.

Mr. BACHMANN. This is 1931 and he was injured in 1927.

Mr. VESTAL. I do not know whether the report shows it or not, but he did make application to the commission. He did not know anything about his rights.

He was in the hospital for more than one year, hoping, of course that he would get better so that he could return to work. If there ever was a case where the Compensation Commission should have the right to investigate and find out the merits of the case, this is the case. I do not know whether he is going to be entitled to anything or not, but I think he should be permitted to go before the Employees' Compensation Commission.

Mr. COLLINS. Will the gentleman yield?

Mr. VESTAL. I yield.

Mr. COLLINS. In addition to what the gentleman has already stated, the affidavit filed with the report, being signed by Doctor Stevens, states that he continued to see and treat him almost continuously from day to day from that day to this; that he soon discovered that there was an infection in his left eye, and from his examination and treatment he diagnosed the trouble as being metallic poisoning, and from the history of the case as given by the said Simpson it is his opinion that this poison was a brass poison brought about by rubbing his eye with his hand after using the brass controller in the elevator. In other words, the claimant contends to-night that his trouble was from a splinter, and his doctor states that his trouble was from metallic poisoning.

Mr. VESTAL. Oh, no. The gentleman is absolutely mistaken. I do not know what the affidavit shows, but I have talked to the doctors myself. There was a splinter in his eye, and that is when he rubbed his eye with his hand, and immediately after this thing was discovered the Superintendent of the House Office Building has taken care of every one of those levers and found that there was brass poisoning and has covered all of them. It does not seem to me that this man ought to be absolutely prohibited from going before the commission to find out whether or not he is entitled to this compensation.

Mr. COLLINS. This man was in contact with Members of Congress continuously.

Mr. VESTAL. He was not in contact with Members at all. For he was not able to be away from the hospital for more than a year after he was injured.

The SPEAKER pro tempore. Is there objection?

Mr. BACHMANN. I object, Mr. Speaker.

LIEUT. COL. U. S. GRANT, 3D

The Clerk called the next bill, H. R. 10026, providing that Lieut. Col. U. S. Grant, 3d, United States Army, shall have the rank and receive the pay and allowances of a brigadier general, United States Army, while serving as associate director of the George Washington Bicentennial Commission, and for other purposes.

Mr. HOLADAY. Mr. Speaker, at the suggestion of the gentleman introducing this bill, I move that the bill be tabled, as Lieutenant Colonel Grant has resigned from the Centennial Commission.

The SPEAKER pro tempore. Without objection, the motion will be agreed to.

There was no objection.

ALVINA HOLLIS

The Clerk called the next bill, H. R. 8096, for the relief of Alvina Hollis.

Mr. STAFFORD. Reserving the right to object, I notice that the original claim was for $5,000, and it has been reduced to $1,500.

Mr. PITTENGER. That is correct.

Mr. STAFFORD. The claimant said she was trying to dodge another car, and the testimony of the driver of the Government automobile was that he was only going at the rate of 4 miles an hour. What are the real merits to entitle this claimant to any relief at all?

Mr. PITTENGER. The solicitor for the Post Office Department, who made a very careful examination and investigation of this case, found that this woman had a meritorious claim and recommended it for payment. The Post Office Department would have settled it except they did not have authority to make a settlement that would be proper.

Mr. BACHMANN. Will the gentleman yield?

Mr. PITTENGER. I yield.

Mr. BACHMANN. I have gone into this case rather thoroughly, and I see the Post Office Department has recommended, as the gentleman from Minnesota has stated, and I feel this bill ought to be passed.

Mr. STAFFORD. I assume there will be no question, if this bill goes through, that it will not be returned to us for a higher amount?

Mr. PITTENGER. Oh, no. I have no intention of that.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alvina Hollis, the sum of $5,000 in full settlement of all claims against the United States because of personal injuries sustained by the said Alvina Hollis when struck and injured on or about October 4, 1928, by a motor truck owned and operated by the Post Office Department of the United States.

With the following committee amendments:

Page 1, line 6, strike out "$5,000" and insert in lieu thereof "$1,500."

Page 1, line 10, after "United States," insert:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JACOB D. HANSON

The Clerk called the next bill, H. R. 3163, for the relief of heirs of Jacob D. Hanson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of Jacob D. Hanson, the sum of $25,000 for all damages suffered by reason of the said Jacob D. Hanson's being shot and fatally injured, without cause or justification, while traveling on a highway near Niagara Falls, N. Y., on the night of the 5th of May, 1928, by two members of the United States Coast Guard, the said members being then and there on duty as Coast Guard men and acting as such.

With the following committee amendment:

Page 1, line 6, strike out "$25,000," and insert in lieu thereof "$5,000."

The committee amendment was agreed to.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I move to strike out the last word.

The Members of the House who have read the committee report will find that I submitted minority views, which views appear on the last page of the committee report.

Personally I do not believe that $5,000 is sufficient to do justice in this case. The facts produced before the Claims Committee clearly indicate that Jacob D. Hanson, a prominent, law-abiding citizen, was deliberately murdered by a fanatical prohibition agent. The evidence is such as would justify the incarceration of this Federal prohibition agent in prison for the rest of his natural life. This is only one of the many cases which clearly indicates that the sumptuary prohibition law——

Mr. STRONG of Kansas. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is pursuing the regular order.

Mr. SCHAFER of Wisconsin. Yes. And I will say to the gentleman from Kansas [Mr. STRONG], one of the leading drys of this House, it would be better for him to consider the facts in this case, and perhaps if he would consider the facts as presented to the Claims Committee on this murder by Federal prohibition agents, together with the facts on dozens of other murders, he might change his mind about his holiest of the holy the sumptuary prohibition laws.

Mr. Speaker, if gentlemen who, like the gentleman from Kansas, believe that the Constitution of this land only consists of the eighteenth amendment and that the only laws enacted under the Constitution are the sumptuary prohibition laws, enacted under the eighteenth amendment, would read the horrible details of this assassination, together with those of others they would not hesitate to reach a conclusion that instead of bringing law and order and respect for law in this country the eighteenth amendment and the sumptuary laws enacted thereunder have brought disrespect for law. It can not be denied that the eighteenth amendment has been the cause of many assassinations, and that is especially true in this case, where this prohibition agent killed a high official of the Elks without cause or justification. The eighteenth amendment to the Constitution has changed it from a charter of rights and liberties into a criminal statute book.

In view of the fact that we only have a few more days of this session and in order not to jeopardize the passage of this bill as reported by a majority of the Claims Committee I shall not press my minority amendment raising the amount from $5,000 to $10,000, although I am firmly convinced that the facts in the case justify the payment of at least $10,000. I am glad that the membership of this House has considered this case on its merits and that there has been no objection to the consideration of this meritorious bill on the Private Calendar, which requires unanimous consent for consideration. This is one of the most meritorious bills I have ever seen reported from the Committee on Claims, of which I am a member.

Mr. MEAD. Mr. Speaker, I rise in opposition to the pro forma amendment. This bill was introduced by my colleague [Mr. DEMPSEY] of the Niagara district. He is unavoidably detained to-night, and I just want to say a word of thanks to the chairman of the committee for reporting out this bill, and I thank the House for giving it consideration. I hope the amount will be increased in the Senate.

Mr. STAFFORD. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: At the end of line 12, on page 1, insert the following proviso: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid of delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

CHARLES MORTON WILSON

The Clerk called the next bill, S. 3712, to establish a military record for Charles Morton Wilson.

Mr. BACHMANN. Mr. Speaker, reserving the right to object, this is a bill similar to the one vetoed by the President the other day. There is no record in the War Department of any service and this man could not be any more than a civilian employee. Unless somebody can make some explanation of the bill I shall have to object.

EDWARD F. WEISKOPF

The Clerk called the next bill, H. R. 1157, for the relief of Edward F. Weiskopf.

Mr. STAFFORD. Mr. Speaker, I object.

P. JEAN DES GARENNES

The Clerk called the next bill on the Private Calendar, H. R. 12077, for the relief of P. Jean des Garennes.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this provides for retirement pay of an aged former instructor at the Naval Academy.

Mr. GAMBRILL. That is correct.

Mr. STAFFORD. I understand it is not the policy to grant retirement pay to the civilian force of the Naval Academy.

Mr. GAMBRILL. That is correct.

Mr. STAFFORD. Does the gentleman believe we should make an exception in this case?

Mr. GAMBRILL. The facts of the case are that this professor served at the academy for 27 or 29 years. He was compelled to retire when he was 74 years of age. He has now reached the age of 82 or 83. He is incapacitated and totally blind. The matter was submitted to the Navy Department, and the Navy Department recommended the passage of this bill. I may say that the civilian professors at the Naval Academy are not under the retirement act, but a bill was proposed by the Navy Department and submitted about a year ago to the Director of the Budget, but the provisions of that retirement act did not meet with the approval of the Director of the Budget. So well did the Navy Department think of the idea of retiring this professor on pay that in that general retirement act they had a special provision to take care of his case.

Mr. STAFFORD. Will this bill be used as a precedent to give retirement pay to all those civilian instructors who are mandatorily compelled to retire at the age of 65?

Mr. GAMBRILL. I think not. I might say there have been three precedents back in 1915, when the Congress passed special acts for the retirement of these professors.

Mr. STAFFORD. I think we ought to have some general legislation. I am objecting to a bill relating to retirement pay for civilian instructors at West Point, and if I allowed this to go by I would be censured for showing favoritism.

Mr. GAMBRILL. Will not the gentleman bear in mind that unless relief is given at the present time, owing to the age of this gentleman, it will probably be of no benefit to him if his case comes under the provisions of a general retirement law?

Mr. STAFFORD. That is the same character of appeal that is made in the other case. I shall have to object, Mr. Speaker.

JOHN HEFFRON

The Clerk called the next bill on the Private Calendar, S. 1683, for the relief of John Heffron.

Mr. COLLINS. Mr. Speaker, I object.

Mr. BLACK. Will the gentleman reserve his objection?

Mr. COLLINS. Yes; I reserve it.

Mr. BLACK. The man who is asking for relief under this bill is one of the 15 survivors of the *Maine*. One hundred and twenty-five men were in the forward turret of that ship when she blew up; three of them survived, and Mr. Heffron is one of them. He served in the Navy prior to that time 13 years. He served for about 53 days after the sinking of the *Maine*. Under the Spanish War pension act there is a requirement of 90 days' service. He could not reenlist through no fault of his own. He was not fit to reenlist in the Navy, else he would have served the 90 days, but he had served 13 years and 53 days and, subsequently, during the World War he became a member of the Naval Reserve when he was over the age of 60. This man is now 74. The Navy Department is rather favorable to helping this man, but does not want to recommend special legislation.

Now, I ask my good friend from Mississippi not to object. This man was one of the 15 or 16 men who survived the blowing up of the *Maine*, and I am going to ask the gen-

tleman from Mississippi to forget his objection and remember the *Maine*.

Mr. COLLINS. I shall have to object to this bill for the reason that this man served 53 days during the war and he now wants the Congress to say that he served 90 days; in other words, he wants us to say, in legislation, that he served 37 days longer than he actually served. In addition, the Navy Department recommends against the enactment of the bill.

Mr. COLE. Will the gentleman yield?

Mr. COLLINS. I yield to the gentleman.

Mr. COLE. In a recent Spanish War pension act the time of service was decreased to 70 days.

Mr. COLLINS. I understand that.

Mr. BLACK. Here is a man who was in one of the greatest disasters in the history of our Navy. He is one of the few men who survived the accident. He had served 13 years prior to this and served for 53 days afterwards. He has never asked anything of this Government, and now at the age of 74 he is asking for a pensionable status. He could not reenlist after his 53 days of service in the Spanish-American War. The Navy Department says that through no fault of his own this man could not go ahead for the required 90 days, and I think it would be pretty small of Congress to deny one of the heroes, one of the 15 surviving heroes of the disaster to the Maine, a pensionable status. If the gentleman from Mississippi wants to do that, let the responsibility rest on his shoulders.

Mr. COLLINS. This man's service has nothing to do with this matter. I am objecting because the Congress is asked to say that this man served 90 days when he served only 53.

Mr. BLACK. That is a small thing to say about a man who was on the *Maine*, and I think the gentleman will live to regret it.

Mr. COLLINS. This man's record is beside the question. It is a fact that the man served 53 days, and under the terms of this bill Congress is asked to say that he served 90 days.

Mr. HALE. Will the gentleman yield for one suggestion?

Mr. COLLINS. I yield.

Mr. HALE. The gentleman does not understand that this man had served 2 years and 312 days before the explosion of the battleship *Maine*. He was one of the survivors. He served a 3-year enlistment, for he enlisted in 1895. His enlistment ran out in June, 1898. He was in the Navy two years before the Spanish War broke out and he was one of 16 survivors of the *Maine*.

Mr. COLLINS. The gentleman wholly misunderstands my objection. Let me read the bill and let the gentleman know what Congress is asked to do:

That in the administration of the pension laws or any laws concerning rights, privileges, or benefits upon persons honorably discharged in the United States Navy John Heffron shall be held and considered to have served honorably as a cook (first class), United States Navy, for more than 90 days during the war with Spain.

In other words, we are asked to say that he served more than 90 days when he served only 53 days. Therefore, I object to the bill.

HAROLD F. SWINDLER

The Clerk read the title of the next bill on the Private Calendar, S. 2272, for the relief of Harold R. Swindler.

Mr. STAFFORD. I object.

Mr. BACHMANN. Will the gentleman reserve his objection?

Mr. STAFFORD. I will.

Mr. BACHMANN. The Navy Department has recommended that this bill be passed. I was wondering if the gentleman had something in mind that they have overlooked.

Mr. STAFFORD. The Navy Department makes recommendations freely sometimes. I have objected to the same character of bills reported from the Committee on Military Affairs. I object.

WILLIAM C. RIVES

The Clerk read the title of the next bill on the Private Calendar, S. 2608, for the relief of William C. Rives.

Mr. COLLINS. I object.

FREDERICK L. CAUDLE

The Clerk read the title of the next bill on the Private Calendar, S. 2721, an act to provide for the advancement on the retired list of the Navy of Frederick L. Caudle.

Mr. STAFFORD. I object.

WALTER P. CROWLEY

The Clerk read the title of the next bill on the Private Calendar, S. 3045, an act for the relief of Walter P. Crowley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in consideration of his subsequent good war record as an officer, Walter Paul Crowley shall hereafter be held and considered to have been honorably discharged from the United States Navy as an ex-apprentice, third class, United States Navy, on the 27th day of November, 1903: *Provided*, That no back pay, pension, or other allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EDWARD EARLE

The Clerk read the title to the next bill on the Private Calendar, S. 3648, an act to correct the naval record of Edward Earle.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized and directed (1) to correct the records of the Navy Department to show that Edward Earle was discharged as an electrician's mate, first class, United States Naval Reserve Force, on November 21, 1918, and (2) to issue to Edward Earle such character of discharge as is warranted by his record of service in the Navy.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN SANFORD TILLOTSON

The Clerk called the next bill, H. R. 10562, for the relief of John Sanford Tillotson.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. In my reading of the report on this bill it shows that the bill seeks to give the benefit of the war term insurance to a son that was putatively adopted, but not under legal procedure. I believe the bill is reported from the Committee on War Claims. We have heard considerable repercussion talk during the consideration of this calendar about the outrageous treatment that some of us have accorded bills reported from that committee. The report shows that if we pass this bill the widow would be entitled also to claim the $10,000 war insurance. Does the chairman of the committee think that we should cause the Government a double liability?

Mr. STRONG of Kansas. The gentleman has never charged the gentleman from Wisconsin with unfair treatment. There is a waiver on the part of the widow. This man thought he properly and legally adopted this boy. The boy was killed. There is only a technicality in the adoption. We thought the Government should not seek to take advantage of this technicality, but should pay the claim as if no such technicality existed.

Mr. STAFFORD. I read from the letter of General Hines dated April 7, 1930:

The records show that the veteran left a will under which he devised all of his personal property to his second wife, Catherine M. Tillotson, who was also named executrix. In view of the fact that there was no properly designated beneficiary the right of the widow to take this insurance by virtue of the will vested at the time of the veteran's death, and she can not, of course, be legally divested. She has not yet filed claim.

Mr. STRONG of Kansas. I call the attention of my friend to the report of the committee at the top of page 2, in which we say:

The widow of Clarence A. Tillotson (his second wife, Mrs. Catherine G. Tillotson) has signed a waiver of all her rights and claims on this insurance in favor of John Sanford Tillotson, the original of which is on file with your committee, and a certified copy of which is on file with the Veterans' Bureau.

Mr. STAFFORD. Mr. Speaker, that fact was not previously called to my attention. I think the interests of the

Government are amply safeguarded. I withdraw the objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he is hereby, authorized and directed to pay to John Sanford Tillotson, designated beneficiary under the war-risk term insurance granted to Clarence A. Tillotson (XC 1391507, formerly captain, Medical Corps), the benefits payable by reason of the maturity of said insurance in the same manner as though the said John Sanford Tillotson were within the restricted permitted class of beneficiaries for war-risk term insurance.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WILLIAM H. CONNORS

The Clerk called the next bill, H. R. 1501, for the relief of William H. Connors.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William H. Connors, who was a member of Battery C, Sixth Regiment United States Field Artillery, Fort Bliss, Tex., shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 6th day of July, 1925: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 9, strike out "6th day of July, 1925," and insert "14th day of October, 1914."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JOHN J. MULLEN

The Clerk called the next bill, H. R. 6491, for the relief of John J. Mullen.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John J. Mullen, who served in Company G, Seventeenth Regiment United States Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a private in Company G, Seventeenth Regiment United States Infantry, on October 18, 1874: *Provided*, That no pay, bounty, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Line 9, after the word "on," insert "the 18th day of."

Line 10, strike out the figures "18," and after the word "no" insert the word "back."

Line 11, after the word "bounty," insert the word "pension."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

EDITH BARBER

Mr. STAFFORD. Mr. Speaker, Calendar No. 865, H. R. 10428, for the relief of Edith Barber, was passed over because an amendment was not prepared to be submitted, with the right to return to it. I ask unanimous consent that we return to Calendar No. 865.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. STAFFORD. I ask unanimous consent to substitute the bill S. 1496 for the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Edith Barber, who contracted tuberculosis while in the performance of her duties as a nurse at the National Soldiers' Home, Johnson City, Tenn., and the National Soldiers' Home, Virginia.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD to the Senate bill: Strike out all of lines 3, 4, 5, 6, 7, 8, 9, and 10 and insert in lieu thereof the words:

"That the United States Employees' Compensation Commission is hereby authorized, notwithstanding the lapse of time, to consider the claim of Edith Barber, who is alleged to have contracted tuberculosis while in the performance of her duties as a nurse at the soldiers' home, Johnson City, Tenn., and the National Soldiers' Home, Va.: *Provided*, That no benefits hereunder shall accrue prior to the enactment of this act."

The amendment was agreed to; and the bill as amended ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

Mr. GREEN. Mr. Speaker, I hope the gentleman from Wisconsin will now take the time to read the report which I have just given him on the public park bill, which I hope to call up. It is a bill that affects an entire county. It has passed the committee without objection and is a Senate bill.

URIEL SLITER

The Clerk called the next bill, H. R. 10113, for the relief of Uriel Sliter.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Uriel Sliter, who was a member of Troop B, Seventh Regiment New York Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 31st day of March, 1862: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Page 1, line 5, after the word "of," strike out "Troop B, Seventh Regiment New York Volunteer Cavalry" and insert "Company H, Twenty-second Regiment Veteran Reserve Corps."

Page 1, line 10, after the word "the," strike out "31st day of March, 1862" and insert in lieu thereof the words "3d day of October, 1864."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

WILLIAM H. STROUD

The Clerk called the next bill, H. R. 10326, for the relief of William H. Stroud.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William H. Stroud, who was a member of Troop G, Sixth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 30th day of January, 1875: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LEONARD THEODORE BOICE

The Clerk called the next bill, H. R. 8784, for the relief of Leonard Theodore Boice.

Mr. COLLINS. Reserving the right to object, I would like to ask some one if the purpose of this bill is to do more than grant this man an adjusted-service certificate?

There does not seem to be anyone interested in the bill. I will withdraw the reservation of objection and will offer two amendments.

Mr. STAFFORD. I object, Mr. Speaker.

WALTER W. ADKINS

The Clerk called the next bill, H. R. 672, for the relief of Walter W. Adkins.

Mr. SCHAFER of Wisconsin. Reserving the right to object, may I ask the author of the bill to indicate briefly the merits of this bill?

Mr. TARVER. Permit me to say to the gentleman that the Civil War veteran for whose benefit this bill was introduced has died since this bill was introduced, and, as far as I know, he has no widow or other person who would acquire any pensionable status from this bill. I do not care to discuss it. I do not think it amounts to anything one way or the other, except that its passage may afford some satisfaction to his family. If the gentleman desires to object, that is his privilege.

Mr. SCHAFER of Wisconsin. The gentleman has a firm belief that there is merit to the bill?

Mr. TARVER. Yes; otherwise I would not have introduced it.

Mr. SCHAFER of Wisconsin. I do not object, Mr. Speaker.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Walter W. Adkins, who served as a private in Company H, Seventh Regiment Tennessee Volunteer Mounted Infantry, from February 1 to May 15, 1865, shall hereafter be held to have been honorably discharged from the military forces of the United States on May 15, 1865, but no pay, bounty, pension, or other emolument shall accrue prior to the enactment of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Walter W. Adkins, who was a member of Company H, Seventh Regiment Tennessee Volunteer Mounted Infantry, from February 1 to May 15, 1865, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 15th day of May, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM J. BODIFORD

The Clerk called the next bill, H. R. 11529, for the relief of William J. Bodiford.

Mr. STAFFORD. Reserving the right to object, this bill in one particular is different from the customary bills lifting the charge of desertion, to give a pensionable status, in that it specifically provides that "the charge of desertion is hereby removed from his record." I think there would be no question that this bill would be vetoed if we would allow it to go in this form. We can not, as is the position taken by the War Department, change a military record. We can give a person a pensionable status, but there is the record, and the War Department has been adamant in its position of never allowing any congressional action to change a military record. So I suggest to the gentleman that he consent to have the clause stricken "and the charge of desertion is hereby removed from his record."

Mr. GASQUE. May I say to the gentleman from Wisconsin that this man enlisted in the Spanish-American War, and when they were moving from Columbia, S. C., to Jacksonville he was sick. He was a young boy from a country district, uneducated, and he did not know what desertion meant. He asked his commanding officer to let him go home because he was sick, and the commanding officer stated to him he could not go. He was sick and he went home. He went home and he had typhoid fever, and he was confined to his bed for three months. When he got up from his bed he went directly to his command and reported. He rejoined his command, never knowing he had deserted. He stayed with his command until the Spanish-American War was over, and he was given an honorable discharge, which he holds to-day. In fact, he had been technically accused of desertion and convicted of that, but after that he was given an honorable discharge and sent home. I have in my files certificates from his colonel and from all of the men connected with his organization that he was one of the best soldiers they ever had. He is not able to get a pension because of this technical charge of desertion.

Mr. STAFFORD. If the gentleman will accept the proposed amendment that I suggested, it would give him a pensionable status.

Mr. GASQUE. I want to say this, that we passed a bill giving him an honorable discharge, but the Pension Committee has refused to give him a pension because of the fact that he has not been relieved of this charge, although he has to-day an honorable discharge.

Mr. STAFFORD. This will correct that objection. With the suggested amendment he will be given a pensionable status.

Mr. GASQUE. If that can be done that is all I ask for.

Mr. STAFFORD. With that understanding, I have no objection to the bill.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William J. Bodiford, who was a member of Company I, Second Regiment South Carolina Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on April 19, 1899, and the charge of desertion is hereby removed from his record, and he shall nevertheless be entitled to the benefits of any laws relating to pensions: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. STAFFORD. Mr. Speaker, I offer an amendment. In line 9, after the date, strike out the rest of the section down to the proviso.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Beginning in line 9, on page 1, after the figures, strike out the remainder of line 9, all of lines 10, 11, and down to the colon in line 1, page 2.

The amendment was agreed to.

Mr. IRWIN. Mr. Speaker, I move to strike out the last word. At this particular moment I want to pay a tribute of respect to our late lamented colleague, the Hon. D. J. O'CONNELL, who was one of the official censors on the minority side of the House during Private Calendar sessions. DAVID O'CONNELL was the gentleman—smypathetic; just a man with a big heart and a conscience that dictated his every action; always ready to defend the weak and to stand firm for what was just and right; intensely patriotic; and his record in this body was exemplified by his high sense of duty. His motto was the teachings of the Golden Rule, which was uppermost in his mind at all times. Members of the House, I could not separate myself from this body without paying this slight token of esteem and respect to the memory of DAVID O'CONNELL. [Applause.]

Mr. STAFFORD. Mr. Speaker, just a word. Of all the men who have labored with the unofficial committee of objectors, no one endeared himself more to me than our late lamented friend who has just been referred to, Hon. DAVID J. O'CONNELL. I did not know him until I returned to Congress in this term, but it was not long before I learned to like him very much. He had those qualities which appeal to every man. When I read, during the Christmas holidays, that he had been stricken in New York, on his way from work, there was a heavy pall in my heart when I thought I would never again work with that genial, conscientious, and able public servant. I regret that he has passed from this scene of activity and I certainly mourn his loss.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BENJAMIN HAGERTY

The Clerk called the next bill, H. R. 3453, for the relief of Benjamin Hagerty.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Benjamin Hagerty, who was a member of Company I, Eighth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 9th day of December, 1899: *Provided*, That no bounty, back

pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

MILTON LOCKHART

The Clerk called the next bill, H. R. 5931, for the relief of Milton Lockhart.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and all other laws conferring rights, privileges, and benefits upon persons honorably discharged from the military service of the United States Milton Lockhart, late of Company H, Fourth Regiment Tennessee Volunteer Infantry, shall be held and considered to have been honorably discharged from such military service: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

In line 9, after the word "service," insert "on the 6th day of May, 1899."

In line 10, after the word "pay," insert the word "bounty."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

J. WALTER SMITH

The Clerk called the next bill, H. R. 5932, for the relief of J. Walter Smith.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and all other laws conferring rights, privileges, and benefits upon persons honorably discharged from the military service of the United States J. Walter Smith, late of Company H, Fourth Regiment Tennessee Volunteer Infantry, shall be held and considered to have been honorably discharged from such military service: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

In line 9, after the word "service," insert "on the 6th day of May, 1899."

In line 10, after the word "pay," insert the word "bounty."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JOSEPH C. LOONEY

The Clerk called the next bill, H. R. 5933, for the relief of Joseph C. Looney.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and all other laws conferring rights, privileges, and benefits upon persons honorably discharged from the military service of the United States Joseph C. Looney, late of Company H, Fourth Regiment Tennessee Volunteer Infantry, shall be held and considered to have been honorably discharged from such military service: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

In line 9, after the word "service," insert "on the 5th day of May, 1899."

In line 10, after the word "pay," insert the word "bounty."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

HENRY I. POWER

The Clerk called the next bill on the Private Calendar, H. R. 10306, for the relief of Henry I. Power.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Henry I. Power, late of Company I, First Regiment South Carolina Infantry, war with Spain, shall hereafter be held and considered to have served 90 days or more of honorable service: *Provided*, That no bounty, pension, pay, or other emoluments shall accrue prior to the passage of this act.

With the following committee amendment:

Line 9, after the word "pension," insert the word "back," and in line 10, strike out the word "emoluments" and insert the word "allowances."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

GABRIEL ROTH

The Clerk called the next bill on the Private Calendar, S. 1072, for the relief of Gabriel Roth.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

Mr. DOXEY. Will the gentleman reserve his objection?

Mr. SCHAFER of Wisconsin. I reserve it.

Mr. DOXEY. The gentleman was present when we considered this bill in the Committee on Claims.

Mr. SCHAFER of Wisconsin. Yes; and I reserved the right to object to it.

Mr. DOXEY. That is perfectly all right. Now, just what is the gentleman's objection to this bill in view of the lengthy hearings had before the Senate Committee and the discussion we had in committee?

Mr. SCHAFER of Wisconsin. This is a bill that came to my attention in prior Congresses, and at that time I had spent a good deal of time going into it and had reached the conclusion there was not sufficient evidence in the files that would justify the passage of the bill, notwithstanding the fact that there was considerable lobbying in its behalf.

Mr. DOXEY. Does the gentleman from Wisconsin realize that recently in this Congress the Senate Committee on Claims had very extensive hearings and the department was given ample authority to present their views in the matter and they unanimously came to the conclusion that this is a case of false imprisonment.

Here was a man who was most unjustly treated. I will not go into the details unless that is necessary.

Mr. SCHAFER of Wisconsin. I do not want to take up much time, but when the gentleman refers me to the fact that the other body unanimously passes a bill, that is not any evidence in support of the bill whatever, because some of the most outrageous bills I have ever seen, running up to the hundreds of thousands of dollars, come out of that body by unanimous consent. However, if the gentleman has personally examined all the evidence and believes this is a meritorious bill, knowing the ability and the diligence of the gentleman who serves on the Claims Committee, I will withdraw my objection at this time. [Applause.]

Mr. DOXEY. I have done that; and I will say to the gentleman that I have given it great thought and consideration, and appreciate the gentleman's attitude, because I know this is a meritorious bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Gabriel Roth the sum of $7,564.15, out of any money in the Treasury not otherwise appropriated, as compensation for and in full satisfaction of all of his claims against the United States on account of injuries sustained and the confiscation of his property when he was falsely arrested and imprisoned by officers employed by and acting under authority of the Department of Justice, said arrest having occurred at Jacksonville, Fla., on or about January 21, 1918.

With the following committee amendment:

After the figure "1918," page 2, line 1, insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS L. LINDLEY

The Clerk called the next bill on the Private Calendar, S. 1696, for the relief of Thomas L. Lindley, minor son of Frank B. Lindley.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I assume there will be no objection to including the usual attorneys' fee provision, and with that understanding I have no objection.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Thomas L. Lindley, minor son of Frank B. Lindley, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full and final settlement of all claims against the Government because of the loss of his right hand, through the explosion of a 37-millimeter subcaliber shell at Edgewood Arsenal, Md., on June 9, 1929.

With the following committee amendment:

In line 6, strike out "$5,000" and insert in lieu thereof "$2,500."

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the usual attorney's fee amendment.

The Clerk read as follows:

In line 10, after the figure "1929," strike out the period, insert a colon, and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SAME GIACALONE AND SAME INGRANDE

The Clerk called the next bill on the Private Calendar, H. R. 5384, for the relief of Same Giacalone and Same Ingrande.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Same Giacalone and Same Ingrande, of San Diego, Calif., in full settlement against the Government, the sum of $459.55, the actual cost of repairing the damage caused to the vessel *Cornell*, owned by said Same Giacalone and Same Ingrande, by the United States Coast Guard boat *Imp*, together with the sum of $600 for loss of the use of said boat *Cornell* while same was being repaired.

With the following committee amendment:

In line 10, strike out "$600" and insert in lieu thereof "$240."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A. J. BELL

The Clerk read the title of the next bill on the Private Calendar, H. R. 10052, a bill for the relief of A. J. Bell.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be authorized and directed to pay to A. J. Bell, of Pulaski, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $1,363.50, of which amount the sum of $900, was paid on August 20, 1921, to a deputy United States internal-revenue collector for the purchase of land of Dan Howard, sold by the Government at public auction under distraint warrant, and said fund was deposited in the United States Treasury; the balance, $462.50, being the interest thereon, since the date of payment, making a total of $1,363.50. Said land was never delivered by the United States into the possession of said A. J. Bell.

SEC. 2. That payment of said sum of money to said A. J. Bell shall be made upon condition that the said A. J. Bell deliver, prior to the payment, quit-claim deed to the collector of internal revenue for the district of Tennessee conveying to the United States all the right, title, and interest of the said A. J. Bell in and to said land.

With the following committee amendments:

On page 1, line 6, strike out the words "sum of $1,363.50, of which amount the."

On page 1, line 6, after the figures "$900," insert the word "which."

On page 1, line 11, strike out all after the word "Treasury."

On page 2, strike out all of line 1.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CAPT. V. V. DE SVESHNIKOFF

The Clerk read the title of the next bill on the Private Calendar, H. R. 10719, for the relief of Capt. V. V. de Sveshnikoff.

Mr. STAFFORD. Reserving the right to object, I have had some difficulty in bringing my mind to a favorable consideration of this bill. It seems that this claimant went to Manila in the employ of the Navy Department under a contract to serve for a definite time. He did not like the climate and gave up his employment, made a breach of contract, and now wants the Government to pay for his transportation back.

Mr. IRWIN. The gentleman is in error when he says that he did not like the climate. He could not stand the climate and became ill and had to leave. It was not because he did not like it, but he could not stand it. That is the reason the committee reported the bill favorably. The man could not help it because the climate was such that his health was impaired. He did not leave of his own free will.

Mr. STAFFORD. If I was in private life and wanted to "do" the Government, and I would like to take a trip to Manila at the Government expense, I would go there under contract and find that the climate did not agree with me and then ask the Government to pay my expenses.

Mr. IRWIN. The physician said that it was necessary for him to leave at that time.

Mr. STAFFORD. Mr. Speaker, after the representation of the chairman, I withdraw my reservation.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. V. V. de Sveshnikoff the sum of $407.12, in full settlement of his claim against the United States for reimbursement of the cost of return transportation and traveling expenses from the naval station, Cavite, P. I., to Washington, D. C., in May, 1929, upon his resignation as associate chemist in the Navy Department by reason of ill health.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RALPH E. WILLIAMSON

The Clerk read the title of the next bill on the Private Calendar, H. R. 12149, for the relief of Ralph E. Williamson for loss suffered on account of the Lawton, Okla., fire, 1917.

Mr. COLLINS. I object.

B. T. WILLIAMSON

The Clerk read the title of the next bill on the Private Calendar, H. R. 12476, for the relief of B. T. Williamson.

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent that the Senate bill 4677 be substituted for the House bill.

Mr. BACHMANN. Reserving the right to object, is the Senate bill identical with the House bill?

Mr. WHITTINGTON. It is identical in amount and purpose and practically the same language.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Dr. B. T. Williamson, of Greenwood, Miss., arising out of the action of the District Court of the United

States for the Northern District of Mississippi in quashing an execution under which he had purchased certain land, the purchase price of which had been covered into the general fund of the Treasury, and to allow in full and final settlement of said claim an amount not to exceed $150, the amount of the purchase price. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $150, or so much thereof as may be necessary to pay this claim.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

GEORGE W. EGGERLY

The Clerk called the next bill, H. R. 3117, for the relief of George W. Eggerly.

Mr. STAFFORD. I object.

Mr. HALE. Mr. Speaker, will the gentleman reserve his objection?

Mr. STAFFORD. I reserve the objection.

Mr. HALE. Mr. Speaker, I think the gentleman doubtless has studied the facts, but may I review them? The gentleman knows, as everyone knows, that the act of a mentally incompetent person is, if not void, always voidable. The trouble with this man is that he is a mentally incompetent person. He is 100 per cent mentally incompetent, and has been so found by the Veterans' Bureau, and the Veterans' Bureau has found his disability is service connected and is paying him 100 per cent compensation. Furthermore there is the record of his mental disability in the files of the War Department made at the time of his service during the World War. The man broke down mentally during the World War, and as a result of his condition he was ordered on sick leave, and instead of being given retirement, as he should have been, he was ordered back to duty. He further broke down, and he resigned after the war was over. He was not examined physically when he resigned. It was not until after he resigned that he was examined and the difficulties were found. The War Department objects to this bill because the man resigned.

The position I take is a legal one which the gentleman can appreciate, and that is that his resignation was null and void, and it is. He was not fit to do what he did do, and all this bill seeks to do is not to put him on the retirement list, but to put him back where he was before he signed the paper, and give him an opportunity to go before a retiring board of the War Department and prove that he is mentally incompetent, and that that disability was incurred in the service. I know that the gentleman, appreciating those facts, will not object to this bill.

Mr. STAFFORD. But he resigned.

Mr. HALE. Yes; he resigned; but he was in no mental condition to perform any legal act.

Mr. STAFFORD. Does the gentleman mean to say that the military forces would have any person in their service who was not mentally competent?

Mr. HALE. He broke down during the war and was given sick leave. After the war was over he resigned. The Veterans' Bureau has found that he is 100 per cent mentally incompetent and is paying compensation on that basis to-day, and has been for several years. Surely a man who is 100 per cent mentally incompetent by reason of disability incurred in the service is not capable of resigning.

Mr. STAFFORD. I shall go over this bill further, but for the time being I object.

Mr. HALE. Oh, that simply means killing the bill.

Mr. STAFFORD. It may not.

Mr. HALE. Oh, yes; it does. I hope the gentleman will withdraw his objection. Certainly the gentleman knows that a man who is not mentally sound can not execute a resignation or do any other act which is worth anything, and all we seek to say by this bill is that his act in resigning was not worth anything.

Mr. COLLINS. Mr. Speaker, will the gentleman yield to me?

Mr. STAFFORD. Yes.

Mr. COLLINS. The letter from the Secretary of War states:

Captain Eggerly voluntarily resigned from the service for his own convenience. At the date of his resignation he certified that he had no wound, injury, or disease, whether incurred in the military service or otherwise, and the medical officer who examined him found that he was mentally and physically sound.

Mr. HALE. The fact is that that is the usual form, as the gentleman knows. The usual form is a certificate that a man has no disability whatever.

Mr. STAFFORD. What has the gentleman to say as to the finding of the medical officer that he was mentally and physically sound?

Mr. HALE. The fact is that the Veterans' Bureau of the United States Government has found that he was 100 per cent disabled.

Mr. STAFFORD. Now.

Mr. HALE. And that the disability was incurred in the service, and the files of the War Department show that he was suffering from a mental breakdown during the war just as the war closed and he was sent off on sick leave.

Mr. STAFFORD. But there is the examination of the medical officer.

Mr. HALE. But the man was not examined until after he had resigned and then he was examined by the Veterans' Bureau and the Veterans' Bureau found his mind was gone. I can not see how the gentleman can ask for any clearer case.

Mr. STAFFORD. Here is a letter from the Secretary of War which says that the medical officer examined him and found he was mentally and physically sound, and in spite of that the gentleman wants me to give him a preferential consideration.

Mr. HALE. Why should he not have?

Mr. STAFFORD. Because to-day he may be mentally unsound, but not mentally unsound at the time he resigned.

Mr. HALE. I am not asserting here that he was 100 per cent mentally disabled at the time he resigned. I want him to have a chance to go before an Army retiring board and find out whether he was or not—to have his case tried, to give him his day in court. That is all that I am asking.

Mr. STAFFORD. Mr. Speaker, the gentleman has made a very persuasive argument and——

Mr. COLLINS. Mr. Speaker, I object.

GEORGE WALTERS

The Clerk called the next bill, H. R. 9709, for the relief of George Walters.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers George Walters, who was a member of Company C, First Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 17th day of March, 1904: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

IRA L. REEVES

The Clerk called the next bill, H. R. 10536, for the relief of Ira L. Reeves.

Mr. STAFFORD. I object.

Mr. GIBSON. Will the gentleman withhold his objection?

Mr. STAFFORD. I will withhold the objection.

Mr. GIBSON. Has the gentleman studied the report?

Mr. STAFFORD. I have; and I read from the letter of the Acting Secretary of War of date March 29, 1930, in which he says:

He served as second and first lieutenant of Infantry until November 11, 1901, when he was retired from active service with the grade of captain for disability in line of duty due to wounds received in action.

Further he says:

After his restoration to the active list he served as permanent major and temporary lieutenant colonel and colonel until March 7, 1920, when he resigned. The medical officer who examined him on the date immediately preceding his resignation found that he was mentally and physically sound and had no disability.

On those statements I base my objection.

Mr. GIBSON. I served under and with this distinguished officer, and he had a record which is not matched by any other man of his rank who has served in the United States Army. He was wounded in the Philippine Islands and retired with the rank of captain. He was called back into the service during the World War. He went to France and was gassed and suffered further disability. After he recovered from that disability by reason of the gas attack, he became president of the A. E. F. University. He has had a most remarkable record.

Mr. STAFFORD. But he resigned voluntarily.

Mr. GIBSON. Very true.

Mr. STAFFORD. As thousands have done. Now the gentleman wishes to give him a preferential status.

Mr. GIBSON. But he, like many other officers, thought he could make a better living outside.

Mr. STAFFORD. Ah, that is it.

Mr. GIBSON. But in his case when he did get out of the Army he found that the wounds he had sustained in the Philippine Islands, plus the gassing in the World War, unfitted him for civil life.

Mr. STAFFORD. But the War Department, through their regular officers, found he was mentally and physically fit. He resigned because he thought he could make a better living outside. He had his choice and he did not remain in the Army.

Mr. GIBSON. But the fact was he could not do it.

Mr. COLE. Regular order, Mr. Speaker.

Mr. STAFFORD. I object.

CLIVE A. WRAY

The Clerk called the next bill, H. R. 7524, authorizing the President to order Clive A. Wray before a retiring board for a hearing of his case, and upon the findings of such board to determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his discharge.

Mr. BACHMANN. I object.

Mr. WAINWRIGHT. Will the gentleman reserve his objection?

Mr. BACHMANN. I will reserve it.

Mr. WAINWRIGHT. I realize the difficulty of overcoming the objection in view of the objection that has been made to the bill of the gentleman from New Hampshire [Mr. HALE]. This is very much the same kind of a proposition, but I would like to call the attention of the gentleman who has objected to the fact that in this case this officer, during his service in Germany, had been recommended for retirement for physical disability by a board of officers and he would have retired had it not been that the act which brought all provisional officers into the Regular Army automatically took effect before the recommendation of that board could be acted upon. So he was automatically taken into the Regular Army.

What should have happened at that time was that he should have been sent before a board where he would have been retired for physical disability, but he was continued in the service and in 1922 was dropped in the reduction of the officer personnel. At that time I called the gentleman's attention to the fact that he had no medical examination.

This young man appeared before our committee, and, although it was some years afterwards, his physical condition was such as to persuade us that it was a matter of justice and fairness to give him an opportunity to appear before a board to have it determined whether he should have been discharged for physical disability and not have been simply dropped from the service.

Mr. BACHMANN. What is the purpose of the bill?

Mr. WAINWRIGHT. The purpose of the bill is to enable the Secretary of War to convene a board to consider this man's case as of the time he was dropped from the service, to determine whether at that time he should have been retired for physical disability rather than dropped from the service. No harm can be done.

Mr. BACHMANN. Suppose that is done, what is he seeking to accomplish?

Mr. WAINWRIGHT. If that is done he would be retired.

Mr. BACHMANN. Does he purpose to secure a pension?

Mr. WAINWRIGHT. The purpose, of course, is to be put in the position that any other officer who is retired for physical disability would be put.

Mr. BACHMANN. Provision has been made in the general compensation laws for that purpose now. That is the reason I can not see the purpose of this bill.

Mr. WAINWRIGHT. No, no. The general compensation laws would not apply to this officer at all.

Mr. BACHMANN. Here is the letter in the report from the Secretary of War, Mr. Dwight F. Davis, which says provision has been made.

Mr. PITTENGER. Mr. Speaker, regular order.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Mr. Speaker, I object.

ELLIS S. HOPEWELL

The Clerk called the next bill, H. R. 9416, authorizing the President to order Ellis S. Hopewell before a retiring board for a hearing of his case and upon the findings of such board to determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his discharge.

Mr. COLLINS. Mr. Speaker, I object.

Mr. WAINWRIGHT. Will the gentleman reserve his objection?

Mr. COLLINS. Yes.

Mr. WAINWRIGHT. This bill is in behalf of a young man who was graduated from West Point in 1924. After he had had a medical record of much ill-health, involving his bronchial tubes and his lungs, he resigned in 1926. Within a year after that, or very shortly after that, he came down with what was pronounced to be tuberculosis. He appeared before our committee, and it was evident that this young man was in a serious condition.

Mr. COLLINS. Is this the bill that the gentleman, when he was Assistant Secretary of War, advised the Congress should not be passed? The gentleman has gotten me so in the habit of following the recommendations of the War Department in this class of bills that I follow it as a matter of habit.

Mr. WAINWRIGHT. This bill is not a bill of my own. I am doing what seems to me is required by this situation, as my name is upon the report as having reported this bill favorably.

Mr. COLLINS. But the trouble with the gentleman is that when he was Assistant Secretary of War he recommended one way and since he has been in the House he recommends another way. I am afraid he was right when he wrote as Assistant Secretary.

Mr. JOHNSON of Washington. At any rate, we will all have to agree that the gentleman from New York [Mr. WAINWRIGHT] is a thoroughbred to stay here at this hour of the night for the purpose of looking after his colleague's bill under the circumstances just described.

Mr. WAINWRIGHT. I wish that statement would be persuasive enough to induce the gentleman to withdraw his objection.

Mr. COLLINS. The gentleman's first argument was so effective, I have to follow him then and not to-night. Mr. Speaker, I object.

DONATION OF BRONZE CANNON TO THE AMERICAN SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to take up No. 1155 on the calendar.

The SPEAKER pro tempore. The Chair can not recognize the gentleman to make that request.

Mr. LINTHICUM. Mr. Speaker, I make the point of order that there is no quorum present. I would at least like to have an opportunity to state what the bill is. That is all I want to do.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that the gentleman may have two minutes in which to make his statement.

Mr. LINTHICUM. I do not want more than one minute.

Mr. COLLINS. Then I modify my request.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent that the gentleman from Maryland may proceed for one minute. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, this is a bill to authorize the Secretary of War to donate certain bronze cannon to the Maryland Society, Daughters of the American Revolution, for use at Fort Frederick, Md. The intention was to have a celebration there in July for the purpose of dedicating these cannon in that old Revolutionary fort. I would like to have this bill taken up so that these ladies will not be disappointed and so they will not have to call off their celebration. Therefore, I want these cannon donated to them, and the Secretary of War is perfectly willing to do that.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. SCHAFER of Wisconsin. Does the gentleman believe this is a matter of emergency?

Mr. LINTHICUM. Certainly. It would be a great thing if you gentlemen would let these ladies have these cannon.

Mr. BACHMANN. Mr. Speaker, in view of the gentleman's statement that he considers this a matter of emergency, I think he ought to be permitted to bring up his bill at this time.

The SPEAKER pro tempore. The time of the gentleman from Maryland has expired.

Mr. STAFFORD. Mr. Speaker, I object.

WILLIAM SULEM

The Clerk called the next bill, H. R. 386, for the relief of William Sulem.

Mr. SOMERS of New York. Mr. Speaker, I object.

Mr. SCHAFER of Wisconsin. Will the gentleman withhold his objection?

Mr. SOMERS of New York. Yes.

Mr. SCHAFER of Wisconsin. What objection does the gentleman have?

Mr. SOMERS of New York. I will say that my principal objection to the bill is based entirely upon the precedent established by the colleague of the gentleman from Wisconsin, and therefore I must respect that precedent.

Mr. SCHAFER of Wisconsin. The gentleman from Wisconsin referred to United States Employees' Compensation cases.

Mr. SOMERS of New York. I am referring to a case I had up earlier in the evening, and I object.

FRANCIS A. GRENNEN

The Clerk called the next bill, H. R. 785, for the relief of Francis A. Grennen.

Mr. GREEN. Mr. Speaker, reserving the right to object, I desire to call the attention of the Rules Committee to the importance of amending our rules. Mr. Speaker, we have rules of the House by which we take up our Private Calendar. The two parties of our House designate several men to pass upon the merits and demerits of bills that come up, to see that none are passed except those which should be passed. We find ourselves confronted every night we meet to take up these bills with the situation of one or two Members who object to all bills brought for consideration, so that we only pass 30 or 40 bills after staying here until 11 o'clock at night. Now, gentlemen, I hope the Rules Committee will adopt——

Mr. PITTENGER. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

I. L. LYONS & CO.

The Clerk called the next bill on the Private Calendar, H. R. 2628, to authorize an appropriation for the relief of I. L. Lyons & Co.

Mr. GREEN. Reserving the right to object, Mr. Speaker, and I shall not object, but I do want to speak for another half minute. Gentlemen, I would like to see the rules of the House amended so that when a committee reports a bill and it is on the calendar for 10 days, if within the 10 days a Member does not file objection to it in writing, all such bills unobjected to in writing shall be taken up and passed en bloc on the first Private Calendar night following. [Applause.]

Then as to bills that are objected to, let three men be required to object to them in order to knock them off.

Here I have a general bill on the calendar which is an emergency matter affecting an entire county in my district. The county is trying to purchase land from the Government, and it is land that has been abandoned by the Government and which they desire to sell and which the county desires to buy at its fair value. The county wants to buy it for a public park, but I can not possibly get up that bill. This is all I have to say, gentlemen, but I hope the Rules Committee will so amend the rules.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to I. L. Lyons & Co. the sum of $9,045.62 as a return of the amount $4,757.38 paid for certain liquors sold to it by order of the United States district court authorizing the marshal for the eastern district of Louisiana and the Customs Service, port of New Orleans, to make such sale; and $4,288.23 in compensation for the damages suffered by it through a subsequent ruling of the Treasury Department that the said liquors were unfit for medicinal purposes and not salable by the said I. L. Lyons & Co. as permittee wholesale druggist.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to I. L. Lyons & Co. the sum of $3,793.07 in full settlement of all claims against the Government of the United States, which sum represents the amount paid to the United States by the said company for certain liquors sold to it by order of the United States district court authorizing the marshal for the eastern district of Louisiana and the Customs Service, port of New Orleans, to make such sale, and which liquors were later found and held to be unfit for medicinal purposes and not salable by the said I. L. Lyons & Co. as permittee wholesale druggist.

"SEC. 2. That the payment directed under section 1 of this act shall not be made until the liquor involved is surrendered to the Federal prohibition administrator at New Orleans, La., for destruction. The liquor to be surrendered and returned for destruction is identified as follows: 269 gallons Old Lewis Hunter Rye whisky; 548.25 gallons Atherton whisky; 220 gallons Old Boone whisky; 233.25 gallons Cedar Brook whisky; 123.61 gallons Scotch whisky; 523.90 gallons wine; and 20.75 gallons assorted liquors."

Mr. SCHAFER of Wisconsin. Mr. Speaker, I move to strike out the last two words in order to take the opportunity to inform the House that the author of this very meritorious measure is unavoidably absent due to illness. I do not believe there is a Member of this Congress who will serve in the next Congress who does not regret that the distinguished author of this bill, Mr. O'CONNOR of Louisiana, has been placed in the lame-duck category. Knowing that his defeat was an accident, over which he had no control, we expect to find him in the Congress following the one which convenes next December. [Applause.]

I want to call the attention of the membership of the House to the fact that the necessity for passing this bill is another indictment of the sumptuary prohibition law under the eighteenth amendment which has changed the American Constitution from a charter of rights and liberties into a criminal statute book. The evidence before the Claims Committee indicates that a Federal judge ordered confiscated contraband bootleg liquor sold to druggists for resale to sick people under Government permit, although the liquor was spurious, and if taken internally under a doctor's prescription would have hastened the death of the man who obtained the prescription in order to get well. As chairman of the subcommittee I was astounded to find that a judge of the United States had ordered confiscated spurious bootleg whisky sold to druggists for resale on prescription, and also find that the innocent purchasers of this spurious, bootleg whisky, following a change of policy of the Prohibition Bureau, after they had paid their good money to the Government for the same were prohibited from selling it.

I believe that this is another one of the very meritorious bills on the calendar and I am proud to have had the privilege of considering and favorably reporting it. [Applause.]

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. SCHAFER of Wisconsin. Yes.

Mr. LINTHICUM. What amount do they ask the Government to pay for this liquor?

Mr. SCHAFER of Wisconsin. The actual amount they paid, and nothing more.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

HERBERT J. WEYANT

The Clerk called the next bill on the Private Calendar, H. R. 5745, for the relief of Herbert J. Weyant.

Mr. STAFFORD. Mr. Speaker, I object.

Mr. BARBOUR. Will the gentleman reserve his objection?

Mr. STAFFORD. Yes.

Mr. BARBOUR. In order to save time will the gentleman state his reasons for objecting?

Mr. STAFFORD. There is nothing here to show that the claimant's injury was traceable to the fall from the bicycle.

Mr. BARBOUR. There is the statement of the physician here.

Mr. STAFFORD. There is not even a sworn statement in the record to support the position of the claimant, merely an affirmation.

Mr. BARBOUR. But there is pending before the committee, as I recall, an affidavit which is not set forth here. The Postmaster General states there is no record in his department showing the injury and the man's present physical condition with the injury, but there is no record in the Post Office Department at all. I have seen this man and I have talked with him, and he has filed affidavits with the committee. I really believe it is a very meritorious case.

Mr. GREEN. And has not the committee favorably reported the bill?

Mr. BARBOUR. Yes.

Mr. GREEN. And the gentleman comes here as a Member of this House and says it is more meritorious and should pass, and even under such circumstances our rules permit one man to hold it up.

Mr. STAFFORD. I object.

IRENE BRAND ALPER

The Clerk read the title of the next bill on the Private Calendar, H. R. 6517, for the relief of Irene Brand Alper.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Irene Brand Alper the sum of $15,000 in full settlement for an injury incurred by her when 19 years old, when she was seriously injured and crippled for life by being struck down and run over on the 14th day of August, 1921, by the United States Navy car No. 2499, in the city of New York, through the carelessness and negligent operation of said car by an employee of the United States Government employed at the time to operate said car.

With the following committee amendments:

In line 5, strike out the figures "$15,000" and insert in lieu thereof the figures "$1,250."

In line 8, strike out the figures "14th" and insert in lieu thereof the figures "11th."

The committee amendments were agreed to.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

At the end of the bill insert: "*Provided* That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed; and a motion to reconsider laid on the table.

ORDER OF BUSINESS

Mr. SLOAN. Mr. Speaker, a parliamentary inquiry. I see it is 15 minutes of 11 o'clock and a number of us have been here night after night. I want to know whether we are to have another session on the Private Calendar. We have been here night after night furnishing a quorum so that bills may be considered or given a decent, arbitrary burial. We would like to know whether it is the policy to have another meeting after we close at 11 o'clock to-night.

Mr. STAFFORD. Let me say to the gentleman that on Tuesday morning when unanimous consent was asked for an order to consider private bills this evening it was intimated by the majority leader, Mr. TILSON, that we would likely have another evening some time this week—probably Friday night—for further consideration of the Private Calendar.

Mr. COLLINS. Mr. Speaker, I would suggest the absence of a quorum.

Mr. SLOAN. The Chair has not answered my parliamentary inquiry, which I think was a proper one.

The SPEAKER pro tempore. The present occupant of the chair is unable to answer the gentleman, and he does not think it is strictly a parliamentary inquiry.

ADJOURNMENT

Mr. BACHMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Thursday, February 26, 1931, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McSWAIN: Committee on Military Affairs. H. R. 17259. A bill to amend the act approved June 20, 1930, entitled "An act to provide for the retirement of disabled nurses of the Army and Navy"; without amendment (Rept. No. 2882). Referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER: Committee on Interstate and Foreign Commerce. H. J. Res. 519. A joint resolution directing an investigation and study of transportation by the various agencies engaged in interstate commerce; without amendment (Rept. No. 2883). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. S. 5979. An act to confer jurisdiction on the Court of Claims to hear and determine certain claims of the Eastern Emmigrant and Western Cherokee Indians of Oklahoma and North Carolina; with amendment (Rept. No. 2884). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17243. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.; with amendment (Rept. No. 2886). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 17244. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near St. Charles, Mo.; with amendment (Rept. No. 2887). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. H. R. 17171. A bill to provide for the furnishing of food to children attending schools in the District of Columbia; with amendment (Rept. No. 2888). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 3490. An act to define, regulate, and license real-estate brokers and real-estate salesmen; to create a real-estate commission in the District of Columbia; to protect the public against fraud in real-estate transactions, and for other purposes; without amendment (Rept. No. 2889). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on Indian Affairs. H. R. 16761. A bill for the relief of Sherburne Mercantile Co.; without amendment (Rept. No. 2885). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOWMAN: A bill (H. R. 17277) to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Star City, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS of California: A bill (H. R. 17278) authorizing the Secretary of the Navy to appoint a board of three naval officers to investigate sites for the establishment of a Pacific coast branch of the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. HUDDLESTON: A bill (H. R. 17279) to provide a fund for Federal public works in times of business depression to stabilize business and to provide work for the unemployed; to the Committee on Ways and Means.

By Mr. DYER: A bill (H. R. 17280) to provide for service of civil process upon persons in custody or confinement in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HAWLEY: A bill (H. R. 17281) to extend the jurisdiction of the arbiter under the settlement of war claims act to patents licensed to the United States, pursuant to an obligation arising out of their sale by the Alien Property Custodian, and for other purposes; to the Committee on Ways and Means.

By Mrs. KAHN: A bill (H. R. 17282) to provide for the Government purchase of American goods; to the Committee on Expenditures in the Executive Departments.

By Mr. DYER: Joint resolution (H. J. Res. 520) providing for an investigation of the prohibition laws of the United States; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the State Legislature of the State of Montana, memorializing the Congress of the United States to pass legislation now pending looking toward the conversion into cash of the adjusted-compensation certificates; to the Committee on Ways and Means.

By Mr. COLTON: Memorial of the State Legislature of the State of Utah, memorializing the President and the Congress of the United States to further an international agreement whereby silver may be used as a supplement to gold to form an adequate international monetary base; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWMAN: A bill (H. R. 17283) granting an increase of pension to Eva Shaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17284) granting an increase of pension to Malinda House; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17285) granting an increase of pension to Lydia M. Criss; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 17286) for the relief of Jack Brooks Clay; to the Committee on Military Affairs.

Also, a bill (H. R. 17287) to correct the record of Howard Lowery; to the Committee on Military Affairs.

Also, a bill (H. R. 17288) to declare Margaretha Vandenbrook the beneficiary of John J. Vandenbrook; to the Committee on Pensions.

By Mr. GOLDER: A bill (H. R. 17289) granting a pension to Peter Furlong; to the Committee on Pensions.

By Mr. HOGG of Indiana: A bill (H. R. 17290) granting an increase of pension to Amelia A. Crampton; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 17291) for the relief of Joseph M. Verneuil and Alice G. Verneuil; to the Committee on Claims.

By Mr. RANKIN: A bill (H. R. 17292) granting a pension to Harriet McEntire; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 17293) granting an increase of pension to Emma E. Sperry; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10181. By Mr. ALDRICH: Petitions of 10 residents of Rhode Island, urging passage of House bill 7884; to the Committee on the District of Columbia.

10182. By Mr. ARNOLD: Petitions from citizens of Mount Vernon, Ill., urging the passage of the alien exclusion resolution; to the Committee on the Judiciary.

10183. By Mr. BOYLAN: Letter from the national board of the Young Womens Christian Associations of the United States, New York City, opposing House Joint Resolution 500, restricting immigration; to the Committee on Immigration and Naturalization.

10184. By Mr. CAMPBELL of Iowa: Petition of nine citizens of Sioux City, Iowa, urging the early consideration and passage of House bill 7884, as reported by the committee, without qualification or amendment; to the Committee on the District of Columbia.

10185. By Mr. FITZGERALD: Petition of 47 patriotic citizens of Hamilton, Ohio, members of Fort Hamilton Council, No. 109, Daughters of America, by Elizabeth Quinlui, recording secretary, requesting early passage of House Joint Resolution 473; to the Committee on Immigration and Naturalization.

10186. By Mr. HADLEY: Petition of Eureka division, Woman's Christian Temperance Union, Bellingham, Wash., indorsing House bill 9986; to the Committee on Interstate and Foreign Commerce.

10187. By Mr. McCLINTOCK of Ohio: Petition of H. C. Chace and many citizens of Greentown, Ohio, favoring the Sparks-Capper alien amendment to the Constitution of the United States; to the Committee on the Judiciary.

10188. By Mr. MANLOVE: Petition of J. L. Francis, F. C. Brown, R. B. Thomas, L. W. McCall, J. J. Hartsell, and 48 other residents of Harwood, Mo., concerning the unfair truck and bus competition with the railways; to the Committee on Interstate and Foreign Commerce.

10189. By Mr. MARTIN: Petition of S. Ella Hopkins and other citizens of Taunton, Mass., urging support of House Joint Resolution 356; to the Committee on the Judiciary.

10190. By Mr. ROBINSON: Petition signed by Mrs. T. E. Scott, president, and Mrs. T. A. Toenjes, secretary, of the Alpha Chapter of the Delphian Club, of Waterloo, Iowa, and which was unanimously adopted by the chapter, urging the passage of the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10191. By Mr. SANDERS of New York: Letter of Dr. William T. Shanahan, medical superintendent of Craig Colony at Sonyea, opposing the passage of Senate bill 4582; to the Committee on the Judiciary.

10192. By Mr. SPARKS: Petition of 47 citizens of Agra, Kans., urging support of the Sparks-Capper alien amendment, being House Joint Resolution 356, to exclude aliens

from the count of the population for apportionment of congressional districts; to the Committee on the Judiciary.

10193. Also, petition of Baptist Church of Gem, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill (H. R. 9986); to the Committee on Interstate and Foreign Commerce.

10194. Also, petition of Ellis Community Young Women's Christian Association, of Ellis, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill (H. R. 9986); to the Committee on Interstate and Foreign Commerce.

10195. By Mr. STONE: Resolution signed by the Junior Order United American Mechanics, Oklahoma City, Okla., favoring the passage of House Joint Resolution 356, providing for an amendment to the United States Constitution, excluding unnaturalized aliens when making apportionment for congressional districts; to the Committee on the Judiciary.

10196. By Mr. STRONG of Pennsylvania: Petition of citizens of Rochester Mills, Pa., and vicinity, in favor of amending the United States Constitution to exclude unnaturalized aliens from the count of population for congressional apportionment; to the Committee on the Judiciary.

10197. By Mr. SWANSON: Petition of S. R. Overholser and others, of Woodbine, Iowa, favoring a constitutional amendment for the exclusion of aliens in the apportionment of the House of Representatives; to the Committee on the Judiciary.

10198. By Mr. SWICK: Petition of Carl R. Daugherty, secretary of the Butler County Oil Men's Association, Butler, Pa., urging the enactment of the Capper-Garber bill; to the Committee on Ways and Means.

10199. Also, petition of 76 members of the United Presbyterian Church, Mars, Butler County, Pa., urging the enactment of House Joint Resolution 356, providing an amendment to the United States Constitution excluding unnaturalized aliens when making apportionment for congressional districts; to the Committee on the Judiciary.

10200. Also, petition of Annie M. Williams, 707 Croton Avenue, New Castle, Pa., and 26 residents of New Castle, Pa., urging the enactment of House Joint Resolution 356 providing for an amendment to the United States Constitution excluding unnaturalized aliens from the count of the population of the Nation for apportionment of congressional districts among the States; to the Committee on the Judiciary.

10201. By Mr. TABER: Petition of Methodist Episcopal Church, Williamson, N. Y., favoring the passage of House Joint Resolution 356, providing for an amendment to the United States Constitution excluding unnaturalized aliens when making apportionment for congressional districts; to the Committee on the Judiciary.

10202. By Mr. WATSON: Resolution passed by the James E. Hyatt Council, No. 127, Sons and Daughters of Liberty, favoring House Joint Resolution 410; to the Committee on Immigration and Naturalization.

10203. Also, petition signed by 56 residents of Bristol, Bucks County, Pa., urging the passage of the Sparks-Capper resolution, alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10204. By Mr. WYANT: Petition of Methodist Episcopal Sunday School, of Circleville, Westmoreland County, Pa., favoring support of the Sparks-Capper amendment eliminating approximately 7,500,000 unnaturalized aliens from count in proposed congressional reapportionment; to the Committee on the Judiciary.

10205. By Mr. YATES: Petition of H. B. Anderson, secretary Citizens Medical Reference Bureau, New York, urging the defeat of the Jones-Cooper maternity bill; to the Committee on Interstate and Foreign Commerce.

10206. Also, petition of Ralph Mathews, American Legion Post, No. 69, Robinson, Ill., requesting the passage of legislation the immediate payment in cash of the adjusted-compensation certificates; to the Committee on Ways and Means.

10207. Also, petition of E. Sebring Bassett, Rockford, Ill., opposing any cash payment to able-bodied World War veterans; to the Committee on Ways and Means.

10208. Also, petition of Dr. Frank J. Novak, jr., Chicago, Ill., urging the passage of Senate bill 4582, known as the Gillett bill; to the Committee on the Judiciary.

10209. Also, petition of Rock Island County Woman's Christian Temperance Union, urging the passage of House Joint Resolution 356, known as the Sparks-Capper amendment; to the Committee on the Judiciary.

10210. Also, petition of Herbert Montgomery, adjutant American Legion, Broadview, Ill., urging the passage of House bill 15621, Senate bills 5073 and 5074, Senate Joint Resolution 217, and House Joint Resolution 422; to the Committee on World War Veterans' Legislation.

SENATE

THURSDAY, FEBRUARY 26, 1931

(Legislative day of Tuesday, February 17, 1931)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Schall
Barkley	Frazier	La Follette	Sheppard
Bingham	George	McGill	Shipstead
Black	Gillett	McKellar	Shortridge
Blaine	Glass	McMaster	Smith
Blease	Glenn	McNary	Smoot
Borah	Goff	Metcalf	Steiwer
Bratton	Goldsborough	Morrison	Stephens
Brock	Gould	Morrow	Swanson
Brookhart	Hale	Moses	Thomas, Idaho
Broussard	Harris	Norbeck	Thomas, Okla.
Bulkley	Harrison	Norris	Townsend
Capper	Hastings	Nye	Trammell
Caraway	Hatfield	Oddie	Tydings
Carey	Hayden	Partridge	Vandenberg
Connally	Hebert	Patterson	Wagner
Copeland	Heflin	Phipps	Walcott
Couzens	Howell	Pine	Walsh, Mass.
Cutting	Johnson	Pittman	Walsh, Mont.
Dale	Jones	Ransdell	Waterman
Deneen	Kean	Reed	Watson
Dill	Kendrick	Robinson, Ark.	Wheeler
Fess	Keyes	Robinson, Ind.	Williamson

Mr. SHEPPARD. I wish to announce that the senior Senator from Missouri [Mr. HAWES] is necessarily absent because of illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Ninety-two Senators have answered to their names. A quorum is present.

THE JOURNAL

Mr. FESS. Mr. President, I ask unanimous consent for the approval of the Journal for the calendar days of February 23, 24, and 25.

Mr. LA FOLLETTE. I object.

The VICE PRESIDENT. Objection is made.

CLAIM FOR DAMAGE TO PRIVATELY OWNED PROPERTY (S. DOC. NO. 305)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting an estimate of appropriation submitted by the Director of Public Buildings and Public Parks of the National Capital, to pay a claim for damages to privately owned property in the sum of $156.34, which has been considered and adjusted under the provisions of law and requires an appropriation for its payment, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

Mr. SHEPPARD presented the petition of Mrs. Will Evans and other ladies, being citizens of Alvarado, Tex., praying for the ratification of the World Court protocols this winter or spring, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented petitions numerously signed by sundry citizens of Pittsburg, Hutchinson, Arnold, Bunker Hill, Wichita, Waldo, Portis, Paradise, Syracuse, Whiting,